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Adams

MEMOIRS

OF

JOHN QUINCY ADAMS,

COMPRISING PORTIONS OF

HIS DIARY FROM 1795 TO 1848.

EDITED BY

CHARLES FRANCIS ADAMS.

VOL. X.

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TABLE OF CONTENTS.

CHAPTER XIX. (*Continued.*)

PAGE

THE TWENTY-FIFTH CONGRESS 3

CHAPTER XX.

THE TWENTY-SIXTH CONGRESS 108

CHAPTER XXI.

THE TWENTY-SEVENTH CONGRESS 439

MEMOIRS

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VOL. X.—1

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CHAPTER XIX. (*Continued.*)

THE TWENTY-FIFTH CONGRESS.

JUNE 1st, 1838.—On going to the House this morning, I told my coachman, Thomas, if he should come for me this evening, not to come till ten o'clock. There was a resolution two or three days ago reported from the Committee of Commerce, calling upon the Secretary of War to make report at the next session of Congress of a survey of Lake Erie. As soon as it was before the House, Lake Huron was added to it by way of amendment. Bronson then moved to add Lake Ontario. Others moved for Lakes Michigan and Superior. After some discussion upon each of these amendments, Whittlesey, of Ohio, moved as a substitute a joint resolution authorizing the President to cause surveys to be made of such parts of Lakes Ontario, Erie, St. Clair, Huron, Michigan, and Champlain, with their bays, rivers, and straits, as are within the United States. Wise then moved to include the waters of Chesapeake Bay and the creeks adjacent thereto. After some resistance by Whittlesey, and a spice of sectional altercation, Whittlesey accepted Wise's amendment. Then Stanly moved to include Albemarle, Pamlico, and Core Sounds, upon which Charles Shepard proposed other sounds in North Carolina. And thus the resolution went on swelling till it was ready to break down by its own weight; when, with the hour of eleven, came the special order of the day, and the committee of the whole on the state of the Union, Howard in the chair, upon the Indian

Appropriation bill. Turney resumed his speech of bitter personalities against Bell, which he continued for nearly two hours, reading long extracts from old printed documents and speeches of Bell to convict him of inconsistency. Bell replied, using, as he always does, gentlemanly language, but in the tone which the most exasperated resentment assumes to express unmitigated contempt. He spoke of Turney as a man of whom he had scarcely known anything until he met him on the floor of the House; said his personal relations with him had been slight, but not unfriendly; that Turney could have no possible motive for ill will towards him, but that he had made himself the voluntary scavenger of all the filth raked up by others; that the political associates for whom he acted (meaning Polk, the Speaker, and Grundy, the Senator from Tennessee), whether in or out of the House, were men equally destitute of public principle and private worth. He had said all this of them at home in his own district, where he had dared them to meet him, and had exposed their falsehood and hypocrisy; that they never had dared to meet him, but had set Turney to make this unprovoked attack upon him in the House; that Turney had thus become the voluntary instrument of the malice of others—the tool of tools.

At these words, Turney, who was sitting within arm's reach of Bell, started up, and, with furious gesture, looking him in the face, cried, "It is false! it is false!"

Upon which Bell struck him with his fist. Turney aimed a blow at Bell in return, and they were rushing at each other, when the members adjoining separated them. Cries of "Order!" "Speaker!" "Sergeant-at-Arms!" instantly arose. Polk, the Speaker, darted up to the chair, turned Howard out of it, and called upon the Sergeant-at-Arms to keep order. The tumult then subsided of itself; and the Speaker, to justify himself for resuming the chair, read from Jefferson's Manual, p. 132, of the new edition of the rules, the precedents as reported from the British House of Commons.

All was now quiet; but what was to be done with the dignity of the House? Howard, the extruded Chairman of the committee of the whole, whose position seemed to me almost ludicrously awkward, thought himself obliged to apologize to the

House for what he had obviously no power to prevent. He said he had yesterday called once or twice Turney to order for wandering into personalities; that the incident this day was so sudden and instantaneous that there had not been time for the Chairman to interpose.

A motion was made that the Chairman of the committee of the whole House should take the chair again; but this was not conformable to the precedents. Mercer was for resorting to his old expedient of requiring a pledge from the parties that they would pursue the quarrel no farther; but Wise remonstrated against this, and, after a short discussion, Mercer's motion was laid upon the table, by tellers—eighty-six to fifty-two. The House were on the point of going into committee of the whole again, when Pennybacker offered a resolution requiring Bell and Turney to make apologies to the House for having violated its privileges and offending its dignity. Yell moved to lay this motion on the table, but Grant called for the yeas and nays, which were twenty-one to one hundred and fifty-five. When the call had proceeded about one-third through the names, and it was apparent that there would be a very large majority against laying it on the table, Wise asked that it should be superseded, both the gentlemen being ready to volunteer apologies—very much ashamed of themselves, and quite sufficiently punished already.

The call was, however, carried through; then, without waiting for the passage of the resolution, Bell and Turney successively apologized, and disclaimed all intention of disrespect to the House; whereupon the resolution was, by general consent, laid on the table, and the House went, on motion, into committee again. Bell then resumed his speech of self-vindication against the slaver of Turney; but, as he kept himself within the rules of order, his discourse was stale and flat, like a pot of small beer after a bumper of pure whisky. He was followed by Underwood, and he by Halsted, who, since his unlucky waterspout with Governor Lincoln about the jet-d'eau, has been silent, but who now gave a dissertation equally dull and self-conceited.

This closed the debate. The question upon Bell's amend-

ment was taken by tellers, and carried—seventy-seven to seventy—to the great astonishment and annoyance of Cambreleng, who called for a new count, insisting that many of the members had mistaken Bell's amendment for the one which he was to offer by instruction from the Committee of Indian Affairs—an additional appropriation for the ultimatum from the Secretary of War to the Cherokees.

Anderson, of Maine, said he had mistaken the question, and moved a reconsideration of the vote. Dromgoole raised a point of order whether a reconsideration could be moved in committee of the whole. The Chairman said it could. The Speaker was of the same opinion. Bell thought it could not, but moved the amendment proposed by the Indian Committee. Anderson withdrew his motion for reconsideration. The amendment of the Indian Committee was adopted without a division, and the committee of the whole on the Union rose and reported the bill, with the amendments.

2d. Two messages from the President were received; one of them with a report from the Secretary of State in answer to the resolution offered by me last Monday. He says that all the correspondence with Texas relating to the annexation has been already communicated; that there has been no correspondence on the subject with any other Government; and that the proposition of annexation, made by the Texas Government, having been disposed of in the correspondence heretofore communicated, has not been since deemed within the control of the United States. The question whether the application has been withdrawn remains unanswered. The message was referred to the Committee of Foreign Relations.

3d. I took Mary and her daughter Fanny with me this morning to the Capitol, where, in the Representative Hall, Harriet Livermore preached from Luke xxiii. 34: "Then said Jesus, Father, forgive them; for they know not what they do" —a discourse on the absolute and unqualified forgiveness of injuries. Indirectly only against duelling; not even indirectly against slavery. Eleven years have passed away since I first heard her in this same hall, more than six since I heard her last. Age has in that time traced furrows on her brow. She has no

longer the charm of youth. The silver tones of her voice have become brassy, and she is laboring with one of those violent bilious coughs. She came to see me after the service, accompanied by Mr. Cogswell, of New Hampshire, who, she said, lodged at the same house with her, and made a voluntary offer to come with her. I reminded her that when I heard her at the Capitol in 1832 she had announced her intention of going to the Western Indians. She said she had been there, with the approbation of the Government and the warm recommendation of President Jackson. But the Schermerhorns of that region (by which I understood the male missionaries) had forced her away and robbed her of all her property. She had stated her claim for restitution, or indemnity, to President Van Buren, who had graciously referred her to the Secretary of War. He was sick, but his chief clerk had assured her that her claim would be faithfully enquired into; and this, she had no doubt, was the last she would hear of it. She said she had since been at Jerusalem, and had only three weeks since returned to the United States. She spoke with great kindness of the converted Jew missionary Joseph Wolff, who, she said, was the greatest man living, and of whose prediction that the millennium is to commence in 1846 she declared her entire belief. 'Tis rather too soon.

There is a permanency in this woman's monomania which seems accountable only from the impulse of vanity and the love of fame. The religious spirit easily allies itself to these passions, and they eagerly grasp the garb of religion. The Holy Spirit avails itself of these purposes to promote its own cause. When Harriet Livermore preaches in the Representative Hall of the United States the forgiveness of injuries, alas! how few converts will she make! And, yet, is there no blessing of God for a word spoken in season? Is there no avenue to improvement in the heart of man? There is. Harriet Livermore, towards the close of her discourse upon the absolute, unqualified, and irremissible command of Jesus Christ to His disciples to practise the duty of mutual forgiveness, said there was no portion of mankind upon whom that obligation was more imperiously binding than upon those who filled the seats in that

hall. May some of those who heard her lay it to their hearts, and Harriet Livermore will have worthily fulfilled her destiny upon earth!

4th. The presentation of petitions took not more than two hours. I presented one from Anna Swinerton for a widow's pension. I found it on my table, and knew not whence it came. I stated that I had received certain resolutions of the Legislature of Massachusetts, adopted at their recent session, relating to slavery and the slave-trade in the District of Columbia and in the Territories, which, under ordinary circumstances, I should deem it my duty now to present. But it would be recollected by the House that last week one of my colleagues, W. B. Calhoun, had presented to the House certain resolutions of the same Legislature of a kindred character, though not the same. They related to the admission into the Union of any new State with a Constitution tolerating the existence of slavery within its borders; that the Speaker of the House, by a construction, which I deemed erroneous, of the resolution of the 21st of December last, had decided that those resolutions presented by my colleague should be laid on the table without being read, printed, referred, or considered; that my colleague, on a subsequent day, had applied to the House for leave to withdraw those resolutions, with the avowed purpose of making known to his constituents and mine the manner in which they had been treated by the House; that this leave had been granted, and that, afterwards, my colleague had offered a resolution, now pending, for the future consideration of the House, declaring that the order of the 21st of December, 1837, shall not be construed to include the resolutions of any State Legislature; that I should not now present the resolutions of the Legislature of Massachusetts, with which I was charged, but should reserve them until, by the action of the House upon the resolution offered by my colleague, it should be ascertained whether the resolutions of the Legislature of my native Commonwealth would be treated by this House with the respect to which they are entitled, or with contempt.

While I was making this statement, Campbell, of South Carolina, first rose and made a question of order.

The Speaker said that if I had resolutions of the Legislature of Massachusetts to present—— I said I was stating to the House the reasons why I should not present them, and must, therefore, necessarily refer to the proceedings of the last week and the resolution offered by my colleague. There were two or three other faint calls to order before I finished, and the Speaker was apparently much inclined to arrest me, but did not venture to do so. I went through.

Ingham, of Connecticut, presented two sets of resolutions of the Legislature of that State—one in favor of the claimants for indemnity for French spoliations prior to 1800, the others strongly protesting against the Patton gag. They were laid on the table, and ordered to be printed.

Cambreleng presented a petition from colored citizens of New York, complaining of a regulation in the island of Cuba by which colored mariners arriving there are imprisoned. There is precisely such a regulation at Charleston, South Carolina. After the resolutions, Cambreleng called up the Indian Hostility bill. Sergeant asked him when he proposed to bring on the Sub-Treasury. He, said next week, after the Pre-emption bill. The Whigs are now very fearful that the Sub-Treasury bill will pass—a sufficient number of the Western members being converted to it by the Pre-emption bill. The Indian bill was now taken up, and debated by Wise, Graham, of North Carolina, Biddle, Legaré, Downing; and, after a call by Cushman for the previous question, which failed, by Everett, Biddle, and Downing again; Bell, and McKay, and Waddy Thompson. Bell's amendment was rejected, by yeas and nays—ninety to one hundred and twelve. The amendment proposed from the Committee of Indian Affairs was adopted by two votes—one of one hundred and eighty-nine to fifteen, the other of one hundred and seventy-four to twenty—and the bill, after another previous question and refusal of yeas and nays, passed to be engrossed, and then passed, by yeas and nays—one hundred and forty-three to thirty-seven. Upwards of twenty members present did not vote on the passage of the bill. Six members of the Massachusetts delegation voted against it. Briggs, Cushing, and Hastings did not vote.

Borden, Parmenter, and I voted for the bill. There was a sharp passage between Biddle and the delegate from Florida, Downing, who received a richly-merited castigation, till he turned pale with anger, but made no reply.

5th. The House went into committee of the whole on the Union, John Sergeant in the chair. Bills to open land offices in Wisconsin, west of the Mississippi; to create a Surveyor-General; to establish a new judicial district in Florida; to survey and ascertain the boundary lines between Wisconsin and Missouri, and between Wisconsin and Michigan, were laid aside to be reported, after very short discussion upon one of them. The bill to divide the Territory of Wisconsin and establish the Territory of Iowa was the first that bred debate. Mason, of Ohio, without declaring himself against it, moved to strike out the enacting clause, to elicit information, stating that allegations were abroad of numerous occupations of the public lands by unlicensed interlopers. Crary, of Michigan, briefly answered him. Mercer opposed the bill, as unnecessary and inexpedient until the portion of Wisconsin east of the Mississippi shall be constituted as a State. Waddy Thompson, with more candid disclosure of real purpose, opposed the bill on the avowed ground of maintaining the balance of power between the slave-holding and non-slave-holding States. He said he would never consent, and hoped no Southern man would ever vote for making new Territories or admitting new States from the Northwest into the Union, so long as the Northern fanatics were pouring in floods of petitions against the admission of that great and glorious people of Texas which had applied for admission into our Union, as was desired most earnestly by a large portion of our own country, and for which proposals in this House had been made, but not considered.

Bronson complimented Thompson for his candor; remarked that the Northwestern Territory was actually a parcel of our Union, to the people of which we were under obligations of positive duty. He would not enter into the discussion about the annexation of Texas, but it was not now within the pale of the Union.

Pope spoke in favor of the bill, and said the present population of Wisconsin, west of the Mississippi, was much more numerous than that of Arkansas when gifted with a Territorial Government. Bronson said the present population was about thirty thousand each side of the Mississippi.

Thompson replied, insisting upon the claim of the people of the South to the annexation of Texas to preserve the balance of power, especially in the Senate.

Mercer, Everett, Jones, of Wisconsin, Charles Shepard, and White, of Kentucky, took part in the debate; but no answer was given to Thompson. I rose and addressed the Chairman, but he did not hear me. The motion to strike out the enacting clause was rejected without a division. Bond moved a reduction of the salary of the Governor; which, after some discussion, was adopted.

6th. The bill constituting the Territory of Iowa was largely debated. Downing, the delegate from Florida, moved the previous question, but it was not sustained. Bond had moved to reduce the salary of the Governor, proposed in the bill at two thousand dollars as Governor and one thousand five hundred dollars as Superintendent of Indian Affairs, to one thousand five hundred dollars as Governor and one thousand as Indian Superintendent. The sums reported in the bill were declared by the Chairman of the committee, Bronson, to be the same established by law, and now received by the Governor of Wisconsin. Bond called for the yeas and nays, and, intending to vote against the reduction, I gave my reasons for the vote, and commented upon the spurious economy which vents itself in charges of extravagance and declamations against Executive patronage, and contents itself practically with nibbling at the salaries of subordinate officers. I took the occasion, while up, of answering Waddy Thompson's declaration that he would vote for no new Northern Territory while Northern fanatics were pouring in petitions against the annexation to this Union of the great and glorious republic of Texas. I objected to the peculiar glory of Texas, which consisted of having made of a land of freemen a land of slaves. I said we had too much of that sort of glory already, and was proceed-

ing to illustrate by the achievements of the late Philadelphia mobs, when the stunning cries of "Order!" emboldened the Speaker to order me to take my seat.

Thompson entreated that I might be allowed to proceed, insisting that I was strictly in order. But I had said as much as I wished to say then, and I did not appeal from the Speaker's decision. I had some sparring with Mercer about the size of the new Territory. It was finally found that Bond's amendment put the salary of the Governor of the Territory of Iowa at the same sum now allowed to the Governor of Wisconsin. The amendment was accepted, and the bill, after further discussion, passed, by yeas and nays—one hundred and eighteen to fifty-one.

7th. H. R. U. S. Whittlesey's transformation of a resolution reported by the Committee of Commerce, directing the Secretary of War to send to the House at the next session copies of surveys in his office of Lakes Erie and Michigan, into a joint resolution authorizing the President to have surveys made of Lakes Ontario, Erie, St. Clair, Huron, Michigan, and Champlain, Chesapeake Bay, Albemarle, Pamlico, and Core Sounds, and maps and charts of such surveys to be made without one cent of appropriation, came up, and ran through to the question upon its third reading without one word of opposition. I then rose and observed that, approving exceedingly the object of the resolution, I thought it should be in the form of a bill, with an appropriation; that the Chesapeake Bay and the North Carolina sounds were superfluous, being already included in the general survey of the coast, and, as this measure would be a gigantic stride in the system of internal improvement, it would be well for the House to understand what they were about in passing this resolution.

Some of the Southern internal-improvement haters were startled; but it was too late. Cushman was in favor of the resolution, and moved the previous question, insisting that the resolution would not involve one cent of expense.

Mallory called for the yeas and nays, and they were refused.

Haynes moved to recommit to the Committee of Commerce to report a general survey. No! A resolution which, if its

import had been understood, would have raised months of debate, and then been certainly rejected, was now driven through by the shrewdness of Elisha Whittlesey and the dogged mortification of the anti-internal-improvement men at their own failure to detect the mine sprung upon them by it. The gravity of Whittlesey, and the stolidity of Cushman in maintaining that it involved no expense, were diverting.

Mallory intimated that the resolution was smuggled through the House; which was resented with great indignation by Whittlesey, who scourged the Southern men for first lumbering his resolution with Chesapeake Bay and North Carolina sounds, and then urging the weight of the resolution to break it down. It was passed by the previous question, and without yeas and nays.

Fairfield moved to go into committee of the whole on the Union upon the Northeastern Boundary bill. He was persuaded to modify his motion, to go into committee generally. This succeeded. Craig, of Virginia, was Chairman of the committee. Fairfield, and Garland of Louisiana, rose and addressed him simultaneously; but, though Fairfield had moved to go into the committee, and stated the object of his motion, to take up the Boundary bill, the Chairman gave the floor to Garland, who moved to take up the Land Pre-emption bill, and it was taken up and debated. Various amendments offered until about four o'clock, when the committee rose, with a prospect of much more future debate. Adjourned about five. I came home with a heavy heart. Evening visit from Mr. Daveis, and long conversation with him on the Northeastern boundary. I told him the Administration would not suffer the Boundary bill to pass, and that they ought, in candor, to say so to the Maine delegation. I inferred it conclusively from the incidents of this morning in the House.

8th. H. R. U. S. Three hours of this day, from ten to one o'clock, had been fixed for the discussion of the bill reported by the Committee on Public Buildings, to take down the walls of that now unfinished and apply the stone for the construction of a fire-proof Post Office edifice, and build another brick building for the Treasury Department. Committee of the

whole on the state of the Union, John Pope in the chair. Naylor began the debate in favor of the report, and was answered by George H. Keim, a Pennsylvania German Democrat, just supplying the place of the departed Muhlenberg. Keim looks at this object, and all others, through the smoky lens of party politics, and stands by the wretched bungler in architecture, Mills, because he was recommended by Mr. Jefferson.

Zadock Pratt, a member of the committee, a full-blooded Administration man, but a house-builder himself, and an honest man, made a speech of half an hour, founded wholly upon facts; and such was its impression upon the committee, that if Governor Lincoln could have sacrificed his unparalleled eloquence to the success of the cause, the committee would at that moment have risen and reported the bill, and it would have run triumphantly through the House before they would have had time to cool. But no; he saw the eager impatience of the House, but he could not forego the glory of conquering by his speech; and, promising to detain the committee only a very few minutes, had been about half an hour in full blast of a speech without symptom of approaching to a conclusion, when Pope, the Chairman, announced that the hour of one had arrived and the committee must rise.

There was an earnest wish in the committee to close the discussion, but Pope insisted upon the committee's rising, and they did, and reported progress.

Lincoln moved a suspension of the rules to go into committee again; which was done, with the same Chairman. Lincoln abridged and finished his speech. He called upon Cushing to testify to the bad construction of the custom-house at Newburyport, of which Mills was the architect. Cushing testified that the walls of that building did, like Desdemona, "seriously incline," not towards union, but to divorce; and that a great iron bar across the whole building had been found necessary to keep them in their bearings. Cushing was irresistibly facetious, and, while up, gave his advice to take down the embryo palace of the Treasury Department and build a plain brick fire-proof republican work-house for the Department in its place.

Then there was a desultory debate. Amendments proposed. A motion to strike out the enacting clause of the bill—forty-four to sixty-three; no quorum; then fifty-nine to sixty-six; rejected. Sundry amendments adopted, and reported, with the bill, to the House. Sherrod Williams then moved to lay the bill on the table, and a call of the House. The call was pursued, until one hundred and seventy-one members answered to their names, and then, by yeas and nays, the bill was laid on the table—eighty-nine to eighty-two.

11th. When twelve o'clock came, Bouldin bustled for the special order, and moved to go into committee of the House. I asked leave to present a petition. He objected. I said it related to the business of the District of Columbia. He then withdrew his objection. I presented the petition, and moved that it should be read. It was read. I moved it should be printed and referred to the committee of the whole, who had the business of the District before them. Thomas moved to take up the motion of reconsideration, pending upon the Treasury Building bill, and, by settling that question, put the workmen again immediately upon wages. He carried it by a vote of two-thirds. Harrison moved to lay the motion to reconsider on the table; lost—eighty-six to one hundred. Yell called for the yeas and nays on the reconsideration—one hundred and three to ninety-one. Motion to lay the bill on the table; lost. Amendments proposed. Cushman moves to lay the bill and amendments on the table; lost—ninety-five to ninety-eight. More discussion on the bill and amendments, and then another motion by Petriken to lay the whole on the table; carried—ninety-four to ninety-one. It was at last a close party vote, and it was determined to continue the building as begun, to escape the reproach of having spent so much money upon it and then taking it down. Wise stung them into the final vote by calling it "The house that Jack built," and running a parallel between its unfinished, unfinishable, half-erected ruin and the late and present Administration, between the first vote of eighty-six to one hundred, and the last of ninety-four to ninety-one. The mutes of the Administration party were moving round the House and rallying the

stragglers to the fold. The building will be continued at an enormous expense; but whether ever finished is doubtful; and whether it will stand, if finished, is more so. It is now unequivocally an Administration building, though several Administration members voted for taking it down, and about an equal number of the opposition against it. Wise's "House that Jack built" settled the question.

12th. At the House, I found Mason, of Ohio, still speaking on the Pre-emption bill. Casey, of Illinois, and Crary, of Michigan, followed Mason, and gave the whole theory of the settlers on the public lands, which is, that the only just right to land is occupancy and labor, and that the right is individual as well as social; that every man has a right to take up unoccupied land, and, having taken it up, has the right to purchase the right of the community at the lowest price, and in preference to all others. Crary compared the right of the squatter on land to the right of the fisherman upon the ocean. It was a common right, and the fisherman was a squatter upon the water, just as the settler is a squatter upon the land. This is the tone of opinion throughout the new Western States; and so thoroughly is the sense of right and wrong in the human heart subservient to the physical wants of the human animal, that this utter perversion of the elementary principle of property passes throughout the Western region for irrefragable logic. I take no part in this debate. The public lands are irrecoverably lost, and it were a worthless and a thankless task to intermeddle in the scramble for the spoils.

13th. Reports of committees. Legaré, from the Committee of Foreign Affairs, presented his report upon the petitions from the peace societies which he had shown me, and which I had read. Ten thousand extra copies of it were ordered to be printed; opposed only by Petriken. Then Dromgoole, from the same committee, reported a resolution that the committee be discharged from the consideration of all the resolutions of State Legislatures and of the memorials and petitions of individuals relating to the annexation of Texas to the United States, and that they be laid on the table.

Cushing, another member of the committee, objected to the

report, and offered a resolution that the report be recommitted, with instructions to report upon the merits of the resolutions and memorials and petitions referred.

Some debate arose. I enquired if the committee had given five minutes of consideration to the resolutions of State Legislatures and the multitudes of petitions and memorials referred to them.

Dromgoole immediately rose and denied my right to ask the question, and said he would not be catechised by me.

I said that was enough for me. The refusal to answer would warrant me and the people in the inference that the committee never did consider the subject referred to them.

Carter, of Tennessee, opposed Cushing's resolution, and Pickens, of South Carolina, supported it.

Cushman said a proposition to annex an independent republic to this Union should come from that republic. No such proposition was before the House. The debate was irregular, and he moved the previous question.

Confusion and laughter.

I asked him to withdraw the motion, to allow an answer to his speech. He refused, but the vote upon his motion was seventy-four to eighty-one; no second; and Howard, Chairman of the Committee of Foreign Affairs, took the floor.

The hour had elapsed, and the committee of the whole on the state of the Union took up again the Pre-emption bill. Chapman, of Alabama, and Prentiss, of Mississippi, made long speeches in favor of the bill, and Robertson, of Virginia, part of a speech against it. The heat was so intense that through the day I was often obliged to leave my seat and go to breathe at one of the windows. Mr. C. S. Daveis called me from my seat and enquired where he could find my discussion of the right to the fisheries, to which Howard, of Maryland, had lately referred with commendation in a speech. This commendation had been excessive, but I did not know to what he had specially alluded. I asked Howard what it was, and he said it was the discussion in the pamphlet I had published. I took Mr. Daveis into the library, and there found the pamphlet, "The Duplicate Letters, the Fisheries, and the Mississippi," and pointed out to

him page 184, the passage to which Howard had referred. I showed him also my two letters on the right to the fisheries, in Gales and Seaton's State Papers, Foreign Relations, vol. iv., pages 352 and 356. He said Mr. Webster wished to see those papers, and would make a speech to-morrow on the North-eastern Boundary bill.

At the meeting after the recess, Robertson finished his speech against the Pre-emption bill; and Cushing followed with a speech in its favor. Cushing avowed the most licentious of the doctrines subversive of property, and the most comprehensive principles of the right of individual occupancy. He takes his cue from Webster, and hazards opinions unpopular now in our State and section, but which he knows will prevail here, and against which he sees that all resistance is vain. Rice Garland made two or more speeches for his substitute for the bill; and a multitude of petty amendments were moved, debated, and adopted or rejected, two or three votes taken without a quorum, and at last, by common consent, the bill and amendments were reported to the House, more by lassitude of hearing than exhaustion of eloquence.

14th. The Texas question coming up, Waddy Thompson moved an amendment to Cushing's resolution to recommit the report of the committee, with instructions—to strike out all after that word, and insert, "to report a joint resolution directing the President to take the necessary steps for the annexation of Texas to the United States, so soon as it can be done consistently with the treaty stipulations of this Government." Howard then began a speech, chiefly in answer to Mr. Cushing's remarks in support of his resolution to recommit the report. His main argument was, that there was no proposition for the annexation of Texas before the House; but that argument now failed, Thompson's proposition having brought a proposition directly before the House. Howard said he regretted that Cushman's motion for the previous question yesterday did not prevail; that the proposition from Texas itself had been promptly rejected. And he intimated that Thompson, by precipitating the recognition of the Texan independence, had greatly increased the difficulty and retarded the possibility of effecting the annexation.

Howard had not finished when the hour expired, and the Pre-emption bill was taken up. It was debated the whole day with much pertinacity, and Governor Lincoln, the only member of the Committee on the Public Lands representing an interest to preserve them as the property of the people, obtained, with the assistance of Briggs, two or three palliative amendments, which I believe not worth contending for. The thirst of a tiger for blood is the fittest emblem of the rapacity with which the members of all the new States fly at the public lands. The constituents upon whom they depend are all settlers, or tame and careless spectators of the pillage. They are themselves enormous speculators and land-jobbers. It were a vain attempt to resist them here.

The heat was so intense that I could not remain in my seat. I found on my table a note from Mr. Daveis, expressing a wish that I would go into the Senate-chamber and hear Mr. Webster speaking upon the Northeastern Boundary question. I went, accordingly, and heard him upon the northwest angle of Nova Scotia. His exposition was clear and unquestionable, but his hearers apparently took little interest in it. Mr. Preston, to whom I returned the sketch of a projected picture for the rotunda which he had, some time since, left with me, pressed me to take his seat, as he was going out. I took it. Mr. Buchanan came behind me and whispered, "The worst of it is, there is no doubt"—an oracular sentence, of which I did not ask the explanation. Buchanan is Chairman of the Senate's Committee of Foreign Affairs, and, when Mr. Webster finished, moved to postpone the subject till Saturday, when he would make some proposition.

After the recess the Pre-emption bill was again taken up, and passed. Governor Lincoln and Briggs succeeded in carrying amendments confining the operation of the bill to the benefit of actual bonâ fide settlers. They were vehemently opposed by Crary and Casey and the Western members, whose tactics are to abuse without mercy the speculators in debate, and to oppose every possible expedient to guard against them. Underwood moved to recommit the bill to a committee of a member from each State, with instructions to report a land

bill for the distribution of the proceeds of the public lands; which, after an abortive motion from Cushman for the previous question, was rejected, by yeas and nays—seventy-nine to one hundred and twenty-three.

May proposed an amendment, giving a general license to every one to settle on the public lands, and, after a year's occupancy, a right of pre-emption to one quarter section. This and sundry other amendments were rejected, as was repeatedly the previous question, but that was at last moved by Boon, and carried. The vote for engrossment was one hundred and thirty-two to seventy, and that for the final passage of the bill one hundred and seven to fifty-two.

15th. Snyder, of Illinois, made a very formal and equally foolish address to the House on a newspaper article in yesterday's Madisonian, charging him in substance with having sold his promise to vote for the Sub-Treasury for a promise of place. He denied the fact; said he was not a candidate for office; had received no Executive smiles. The charge was false and slanderous, but he should take no further notice of it, inasmuch as the editor of the Madisonian had forfeited the pledge under which he had been elected printer to the House, of supporting the present Administration and the usages of the Republican party. The charges in the Madisonian against Mr. Snyder, of fishing for office with the bait of the Sub-Treasury, I am told, are all true.

Dromgoole's report concerning Texas is now the regular business of the morning hour. Before Howard resumed his argument, I offered an amendment to Waddy Thompson's amendment, to strike out all after the word instructions, and insert, "to report the following resolutions: That the power of annexing the people of a foreign Government to this Union has not been delegated to the Congress nor to any Department of the Government of the United States, but has been reserved to the people. That any attempt by Act of Congress or by treaty to annex the republic of Texas to this Union would be an usurpation of power, which it would be the right and the duty of the free people of the Union to resist and annul."

This, being an amendment to an amendment, gives me the

right to the floor immediately after Howard. He finished his speech against the recommitment and all the instructions. Petriken moved to lay the whole subject on the table, but withdrew the motion, first for an explanation from Cushing, and afterwards generally, by request. Waddy Thompson told me two or three days since that we should have this Texas discussion, for that it had been promised to him. All the South Carolinians desire it.

I enquired of Howard, as Chairman of the committee, whether he sustained Dromgoole in his refusal to answer whether the committee had taken into consideration the resolutions, petitions, and memorials relating to Texas referred to them by the House.

Howard answered that he did—that it was disrespectful to the committee to ask such questions, and he should go the whole length of the gentleman from Virginia and refuse to answer.

I then put the question to Ogden Hoffman, another member of the committee, who was standing before me, and said I should be glad to put it to every member of the committee; but the Speaker interposed, and announced the orders of the day, without allowing even Hoffman time to answer. This gave me, however, the floor for to-morrow.

The House then went into the consideration of private business, to which it was impossible for me to give much attention. Mr. Daveis, the Agent from the State of Maine, asked to have some conversation with me during the recess, and was with me the whole time in the chamber of the Committee of Manufactures, giving me an account of his conversations with Mr. Poinsett on the Boundary question. With Forsyth he is utterly disgusted. He consulted me with great anxiety about what he was to do, and wrote down a proviso, which he had thoughts of proposing, to modify the bill for surveying the boundary. I gave him freely my advice, which was, to let such proviso come from the Administration side. He said that Mr. Reuel Williams was convinced that the bill would not pass.

16th. After some little trickery to consume the time of the House, in motions out of order and to suspend the rules for

other purposes, I obtained the floor on the motion to recommit the report of the Committee of Foreign Relations concerning Texas. Tillinghast asked me to give way for the reading of the resolutions from the Legislature of Rhode Island against the annexation. I told him it was my purpose to notice them and have them read in the progress of my remarks on this occasion; whereupon he desisted, and I commenced my argument, and continued until the expiration of the hour, when the orders of the day were announced, and private business was taken up. I confined myself entirely to the points made by Dromgoole, Howard, and Legaré, and my speech was only an animated dialogue with them upon the right of petition. I am oppressed by the magnitude and weight of the subject, and anxious, even to dejection, with regard to the mode of treating it best suited to the success of the cause.

20th. Call at the Department of State for the newspapers sent by the Texan Envoy Extraordinary and Minister Plenipotentiary last September to Mr. Forsyth, and containing the report of the committee of the House of Representatives of the State of Mississippi to that body on the annexation of Texas to this Union. Neither Mr. Forsyth nor the Chief Clerk, Dayton, was at the office; but the Diplomatic Clerk was there, and could not find Mr. Memucan Hunt's newspaper. It was mislaid.

H. R. U. S. My speech on Texas. Reviewed the resolutions of the State Legislatures—Rhode Island, Ohio, Tennessee, Michigan; stopped at Alabama; Vermont had been introduced yesterday. Resolutions of the Rhode Island Legislature not printed in the journal. Explanations with Tillinghast. Hamer asked my leave to present a petition; granted—reminding him of his refusal to me of the same courtesy yesterday.

Independent Treasury bill. James Garland's speech against it, and his substitute. Bronson's proposed amendment—to strike out Calhoun's specie section, and suspend the laws against small bills.

21st. Morning hour. Continued my speech on the Texan question. Tillinghast. The resolutions of the Legislature of Rhode Island, presented on the 29th of December last, and

omitted then to be printed on the journal, are to be printed on the journal of this day—Nunc pro tunc. Cushing modifies his resolution so as to insert the two additional State Legislatures, Vermont and Rhode Island. I review the preamble and resolutions of the Legislature of Alabama; their personal attack on me; resolutions of the Legislature of Massachusetts; proceedings in New York and Pennsylvania; debate in the Texan Congress. Interrupted while reading it. Harlan calls for the orders of the day. Committee of the whole on the Union, Connor in the chair, on the Independent Treasury bill. Duncan proposes an amendment. S. S. Prentiss till the recess, and two hours of the evening session, against the bill. Rhett and R. M. T. Hunter take the floor. Committee rise.

22d. Dr. Chapin, President of the Columbian College, in the District of Columbia, with Dr. Sherwood, one of the Professors of that institution, called on me this morning to speak about the Smithsonian bequest. Mr. Rush has recovered the money—half a million of dollars—and is expected with it here in the course of the next month. Dr. Chapin represented that if this money should be applied to the foundation of a college or university, it must necessarily effect the total destruction of his college.

I told him that after the passage of the Act of Congress for procuring the money, I had not permitted myself to think upon the subject till the money should be in the Treasury; that I hoped, however, no disposal of the fund would be made which would in any manner injure the Columbian College; that I did not think the Smithsonian Institution should be a college, or a university, or a school of education for children, but altogether of a different character; that, as the money would come into the hands of the Executive, I hoped the President would in his next annual message propose some plan for the adoption of Congress for the disposal of the fund; and I advised Dr. Chapin to see the President and converse with him on the subject—which he said he would.

H. R. U. S. Texas, and the morning hour. Concluded my remarks on the debate in the Texan Congress; proceedings in the Legislatures of New York and Pennsylvania and South

Carolina; duty of the committee to take all these resolutions into consideration; system of suppression. Legaré calls me to order. Speaker decides I may proceed. Enumeration of the subjects upon which debate has been suppressed. Hour expires. Independent Treasury bill. R. M. T. Hunter for it until, and again after, the recess. John P. Kennedy, the new member from Baltimore, in the place of McKim, begins a powerful speech against it.

23d. Morning hour. Texas. On the system of suppression. I alluded to the transactions in the House from 6th to 11th February, 1837. Slave petitioning. I was called to order by Legaré, and peremptorily stopped by the Speaker. I called on the Speaker to have the disorderly words taken down. He refuses. I appeal from his decision. He is sustained, by the yeas and nays—one hundred and fifteen to thirty-six; two hundred and five members in the House. I resumed speaking for one minute. Sherrod Williams moves a reconsideration of the vote of yesterday postponing the resolution to fix the day of adjournment, and assigned what had taken place this morning as evidence that the session was getting to be too long. The postponement was reconsidered, and the resolution to adjourn the 9th of July passed.

Independent Treasury bill. John P. Kennedy till, and an hour after, the recess. Toucey's flabby eloquence for the bill. Waddy Thompson against it. Potter, a Pennsylvanian Irishman, began some very brief remarks for it. After hearing him nearly an hour, at half-past seven I saw he would not finish before nine, and that no question would be taken to-night; so I left the committee of the whole in session, and went to the theatre. Saw Shakspeare's "As You Like It," Ellen Tree for "Rosalind;" all the other parts wretchedly performed—"Jaques" by Fredericks, who had no conception of the part, left out some of the finest passages, spoke some set down for others, and delivered with lifeless insipidity the "Seven Ages." Pickering's "Touchstone" was rather better, but not good. The play itself, so admirable in the closet, is dull on the stage.

24th. Attended at St. John's Church. I spoke to President Van Buren, and asked half an hour's conversation with him at

six o'clock this evening; to which he acceded. I went to the President's, and, putting into his hand the letter which I have received in duplicate from R. Rush of 15th May, requested him to read it. I then had a conversation of nearly two hours with him upon the Smithsonian bequest, referring to my report, and entreating him to have a plan prepared to recommend to Congress for the foundation of the Institution at the commencement of the next session of Congress. I suggested to him the establishment of an astronomical observatory, with a salary for an astronomer and assistant, for nightly observations and periodical publication; then annual courses of lectures upon the natural, moral, and political sciences; and, above all, no jobbing—no sinecures—no monkish stalls for lazy idlers.

Mr. Van Buren received all this with complacency and apparent concurrence of opinion; said he would look into my report; wished me at leisure to name any persons who I thought might be usefully consulted; appeared very favorably disposed to the establishment of an observatory, and willing to do right.

I urged upon him the deep responsibility of the nation to the world and to all posterity worthily to fulfil the great object of the testator. I only lament my inability to communicate half the solicitude with which my heart is on this subject full, and the sluggishness with which I shall fail properly to pursue it. If I can but remember to write upon it to L. Cass and T. Aspinwall, and to converse upon it with Edward Everett and the Winthrops.

25th. Reading of the journal. I claim the right to the floor when the Texas question comes up. Admitted by the Speaker. Petriken moved a reconsideration of the resolution to adjourn 9th July. Rule suspended. Previous question. Reconsideration refused—sixty-four to one hundred and thirty-five. States called over for resolutions, commencing with Maine. I moved a call for Memucan Hunt's newspaper, the report of the committee of the House of Representatives of the State of Mississippi. As a call, it must, by the rule of the House, lie over one day, and then it is never in order to call it up. I asked

the consideration of the motion now; refused—eighty-four to one hundred and eight. Evening session. Sub-Treasury bill. Rhett's ranting speech in its favor. No reply. Enacting clause of the bill struck out in committee of the whole, by tellers—ninety-two to eighty-six. Bill reported to the House with the enacting clause struck out. Previous question immediately called, and carried. Main question, not on concurring with the committee of the whole in striking out the enacting clause, but on engrossing the bill for a third reading. Call of the House pursued till two hundred and thirty-six members answered to their names. Bill rejected, by yeas and nays—one hundred and eleven to one hundred and twenty-five. Subdued shout from the galleries. H. A. Foster gives notice of a motion to reconsider.

26th. H. R. U. S. More than half an hour consumed upon preliminary questions. Robertson, of Virginia, entreated me to yield the floor for him to offer a resolution directing the Secretary of the Treasury to make special deposits of the public moneys in certain State banks, and to take as much constitutional currency, gold and silver, for public revenue as he can get. I yielded the floor, but Petriken objected, and said he would not let in at the window what ought to come in at the door. Robertson moved a suspension of the rules, but was refused—seventy to one hundred and twenty-three.

I resumed my speech on the annexation of Texas. Contested the reproach of Howard upon the petitions of women, and on the petitioners. I alluded to the votes of the South Carolina members on Saturday to suppress my freedom of speech, after their frequent declaration of their desire to discuss the Texas question.

Pickens attempted an awkward self-justification, and said he was obliged to vote that I was out of order. Women. Scripture. Ancient History. Greece. Athens. Aspasia. Sparta. Rome. Orders of the day. Foster moves reconsideration of the vote against the Sub-Treasury bill. F. Thomas opposes the reconsideration; which is rejected, by yeas and nays—twenty-one to two hundred and five.

28th. H. R. U. S. Morning hour on Texas. Women petition-

ers. Howard not present. Johnson's Life of Greene. Ramsay's History of the Revolution in South Carolina. Deborah Gannett, and Morgan's report. Orders of the day. Bill to increase the army. Bell till the recess. Letters to John Angier and Ragsdale. Session P.M. Skirmishing debate. Lincoln, Reed, Evans, Everett, Grennell, Harrison, of Missouri, Yell. Many amendments offered. Committee rise and report no quorum. House refuse to adjourn. Rally a bare quorum, and return into committee. Amendment adopted. Bill reported to the House. Adjourn at nine.

30th. H. R. U. S. Morning hour on Texas. Women. Misses Grimké. Pickens. Tissue of misrepresentations. My reply. Legaré's call to order. Speaker decides against him. Campbell's interruption, and my reply. The constitutional question. Declaration of Independence. Constitution. People. Expiration of the hour. Elmore's imputation of insane raving.

July 2d. Call for petitions superseded at Whittlesey's motion. I yield the floor for reports of committees. Boon's motion to supersede the morning hour for the rest of the session; failed—one hundred and one to fifty-four. Its object, to silence me on the Texas question. Army bill. Reconsideration refused. Bill forced through by the previous question—one hundred and twelve to eighty. Borden, Cushing, Fletcher, Grennell, Lincoln, Parmenter, and Phillips voting for it; Adams, Briggs, W. B. Calhoun, and Hastings against it. Reed was against it, but did not vote. Rice Garland moves to amend the title. The Harbor bill, till the recess, and again till ten at night, when the committee of the whole on the Union, J. M. Mason in the chair, reported it, with many amendments, to the House. I skirmished after the recess with Cambreleng.

3d. H. R. U. S. Several interpositions. Goode. Howard objects to reply. I resume the constitutional argument against the annexation of Texas. Jefferson's opinions on that of Louisiana. Richmond Enquirer. The semicolon and comma—charge upon me. My opinions and conduct on the acquisition of Louisiana.

Hour expires. New Revenue bill from the Senate. Cambreleng's short speech. Previous question lost. Duncan, of

Ohio. Recess; and Duncan again. Previous question again lost. Calls of the House. Many amendments lost. Public funds not to be used for banking—one hundred and one to one hundred and one. Speaker's casting vote carries it. Jenifer asks me to move a reconsideration—which I decline.

4th. Independence-day. H. R. U. S. Morning hour. Howard objects to any intrusion upon my time that may encroach upon his to answer me. My speech in S. U. S. on the Louisiana Treaty. Resolutions offered in Senate. Conferences with Mr. Madison. Annexation by Act of Congress. Commaites and Semicolonites. Slavery. Reply to Elmore—insane ravings. His apology. Hour expires. Waddy Thompson's question. Not allowed.

Grennell moves to suspend the rules to take up the Senate bill against duelling; rejected. Senate Sub-Treasury bill No. 3, sent back emasculated—second section struck out. Old Harbor bill debated. Cambreleng's statement of expenditures, four millions. Motion to adjourn at two; failed. Harbor bill passed, and reconsideration refused. Message P. U. S.; voluminous Mexican correspondence. Howard moves a select committee of three to select the papers to be printed. I move that they be laid on the table and printed; question divided. Robertson moves to lay motion to print on the table; carried —one hundred and three to eighty. Robertson afterwards gave notice of a motion to reconsider.

5th. Howard declares I *shall* not allow other members to occupy parts of the morning hour. Smart altercation. I proceed. Slavery. Report of the committee of House of Representatives of the State of Mississippi. I read extracts—comment. I then assume hypothetically that the system of the Executive Administration from 4th March, 1829, towards Mexico, has been duplicity to breed a war with Mexico to accomplish the annexation of Texas to this Union. Review the relations with Mexico during my Administration. First proposals to purchase Texas ill received. Poinsett. Expiration of the hour.

The Senate's third Sub-Treasury bill, after various proposed amendments, passed by the previous question, discarding John

Campbell's proviso, that the public money shall not be used for banking. Robertson offers certain resolutions for reorganizing the public land sale system. Rules not suspended. Recess. Elmore moves suspension of the rules for me to proceed. Dromgoole. Rules not suspended.

6th. Morning hour; fourteenth day. Texas. Review of the propositions made to the Mexican Government for the purchase of Texas. Torrens. Clay. Poinsett. Van Buren. Anthony Butler. Poinsett's recall. Succession of documents from No. 42. Dr. Mayo's letter. Hour expires. Howard enquires if I should not finish now, whether he can answer me hereafter. Speaker says the House must decide. I said that Howard, and not I, had the command of the time of the House.

7th. Morning hour; fifteenth day. Texas. I read A. Jackson's letter to W. Fulton, 10th December, 1830. Howard's agitation. His letter to W. Fulton, and Fulton's answer. He gives them to me to be communicated to the House. Dromgoole moves suspension of the rules to answer me; refused.

Committee of three to select the last Mexican documents for publication. Supplement to the Army bill passed by previous question. Frauds on public lands, and Choctaw preemptions. Recess. I visited Dr. Henry Perrine at the chamber of the Committee of Agriculture, and examined his tropical plants and the fibrous leaves of the aloes. Evening session. Small Note bill in District of Columbia passed by previous question. Indian Annuity bill. Bill to sell the bonds due from the Bank of the United States. New York Fire bill. West Point Academy. Bill debated by fits and starts. Duncan called to order; directed to take his seat, and the House refuse him permission to proceed. Petriken the same, for saying twenty thousand dollars is the price of the Kentucky delegation. At twenty minutes past midnight I left the House and came home, sick at heart, exhausted and faint with weariness and excessive heat, knowing that nothing further would be done by the House to any useful purpose.

8th. Just before eight o'clock this morning my granddaughter came into my chamber, and told me the flag of the House

of Representatives was still flying. They sat all night; had a call of the House, and adjourned about eight this morning.

Lewis Day, a negro, fifty-four years old, a slave of John West Minor, living in this District, on the Virginia side of the Potomac, came to enquire if I could obtain for him relief or mercy. One of fifteen, four of whom his master has already sold to go to Georgia, and the rest are to be sold in a few days. I could afford him no relief, but commended him to mercy and patience. He was broken-hearted.

9th. Second session of the Twenty-Fifth Congress closed. The House of Representatives adjourned yesterday morning to meet this morning at nine. B. Howard enquired of the Speaker whether I was to continue my speech this morning. The Speaker said the last day of the session all the ordinary rules of the House were superseded. Bell made some remarks upon a vote yesterday at the call of the House to excuse him for absence on payment of fees. This led to a discussion of two hours, and sundry propositions to revoke all the censorial votes upon absentees. Yesterday morning, at the call, I moved an amendment to Bell's resolution, one to rescind all resolutions of censure, and all orders for payment of fees by members for absence on the call of the House in the morning.

The members who had passed these resolutions took this as casting a reflection upon them. Wise moved a reconsideration of the resolutions of censure which had been moved by him; whereupon Bell withdrew his resolution, whereby mine, as an amendment to his, fell of course. Wise called for the previous question upon the reconsideration of his first resolution of censure; which was carried, and on reconsideration the resolution was rescinded. He then moved a reconsideration of his second resolution, which required that sixteen members, whom the Sergeant-at-Arms had found at the railway-cars starting for Baltimore, and who, in defiance of his summons, still went their way, should be called to answer for their contumacy at the re-assembling of the House; and he moved the previous question at the same time. A question of order was made, whether two questions could be moved by a member at once. The Speaker, "mirum dictu," decided that they could; and

the House, on appeal, sustained the decision. The reconsideration prevailed, but the House refused to revoke the resolution against the contumacious members.

I then moved my resolution to rescind all resolutions of censure and all orders for payment of fees for absence at the call of the House on the Sabbath, and moved the previous question—which occasioned a shout of laughter in the House. It was carried, and my resolution was rejected, by yeas and nays—forty-seven to ninety. Afterwards I appealed to the good nature of the House to pass a resolution remitting the payment of fees which had been ordered. McKennan offered the resolution, and it was adopted. The sixteenth and seventeenth joint rules of the two Houses were suspended to receive from the Senate a joint resolution with an appropriation to print Mr. Madison's papers, to pass it in committee of the whole, turn it into a bill, and pass it through all its stages, and the Senate concurred in the suspension of the rules, in changing the resolution to a bill; and the President approved the bill, and it became a law. All this was done in half an hour, without opposition or debate, and proved how easy it would have been to pass thirty more bills of great importance without a Sunday morning session, and without sitting above an hour longer this day. The usual communications between the two Houses, and between them and the President, passed, and both Houses adjourned about noon. I rode home, and stopped on my way at the office to arrange with Mr. Gales about the printing of the remainder of my fifteen days' speech.

10th. About sunrise I rode to the Potomac, to my old bathing-place beneath the bluff, between the mouth of the Tiber and the bridge, where I bathed and swam about a quarter of an hour. It was the first river-bath that I have been able to take this season, and seemed to give me new life. There were, as used formerly to be, a number of other bathers there, and some with horses; all young men except myself. National Intelligencer publishes my speech of 30th June and of 26th June under date of 3d July. Walk to the office; pointed out the mistake both to Gales and Seaton.

13th. I was employed the whole day in revising the notes

of the reporters of my speech and supplying passages which, in the confusion of the House, they had not been able to report. Neither Gales nor Seaton' account for the fact that no report of my remarks on the 23d of June has been furnished them by Stansbury, who was the reporter for that day. He went off to Philadelphia on the day of the adjournment of Congress, and left an unfinished report of what I had said on Saturday, the 7th instant. He sent from Philadelphia the conclusion of his notes for that day, and I have them to revise.

QUINCY, *August* 6th.—The Secretary of War has dismissed Dr. Mayo from a clerkship in the Department for having communicated to me a copy of President Jackson's letter to William S. Fulton, Secretary of the Territory of Arkansas, of 10th December, 1830.

September 3d. Visit to Hanover, Plymouth County, and return to Quincy. At five o'clock this morning I was at French's Tavern, when the stage from Boston to Plymouth drove up, and took the mail and delivered one. There was not a single passenger, and I entered the stage alone. At Hingham one other person joined me, and at Scituate one more; both of whom remained strangers to me. The passenger from Hingham, like myself, was going to Hanover Four Corners to attend the Convention of the Plymouth County Association for the Improvement of Common Schools. The distance from Quincy by this road is eighteen miles—six to Hingham, six to Scituate, and six to Hanover. We reached the tavern there about half-past seven, and I had time to breakfast before any of the other visitors to attend the Convention arrived. They came in shortly afterwards. The meeting was held in the Episcopal Church, and was opened at ten o'clock by a prayer from the Rev. Thomas Robbins, a Trinitarian Congregational clergyman, of Mattapoisett, part of Rochester.

Then Mr. Nathaniel M. Davis, of Plymouth, President of the Plymouth County Association for the Improvement of Common Schools, standing in the chancel, announced the objects of the meeting, which were: to choose officers of the Association for the ensuing year; to hear an address from Mr. Horace Mann, the Secretary of the Board of Education; and

to consider certain proposals of the Board with reference to the establishment of a Normal School, or school for the education of teachers of common schools. A committee was appointed to report a list of officers. They reported the re-election of those of the last year, with the exception of the Rev. Charles Brooks, of Hingham, as Secretary, he having requested to be excused from serving longer in that capacity. The report of the committee was unanimously accepted, and then Mr. Mann delivered his address, which occupied nearly two hours. It gave a rapid sketch of the recent proceedings of the Legislature relating to education; the formation of the Board of Education, and the annual returns through them to the Legislature of all the common schools in the State. He referred to the ancient institutions for education from the earliest settlement of the Colony, and pointed out many of the deficiencies, both of the teachers and mode of teaching, of the present time. It was about half-after twelve when Mr. Mann finished. A motion was immediately made by Mr. Ryder to adjourn for an hour; which was carried.

The stage from Plymouth to Boston stopped on its way at Hanover just after one, and I was about to take my passage in it, when the Rev. George Putnam, minister of Roxbury, and a member of the Board of Education, offered me a seat in his chaise, in which he would be alone. As he was to pass directly by my house, I accepted the offer, and, after dining at the hotel, attended the afternoon meeting at the church. Extemporaneous addresses were then made by Mr. Ichabod Morton, of Plymouth, Mr. Robert Rantoul, Jr., and the Rev. George Putnam, the two latter being members of the Board of Education; after which I was requested to address the auditory. I made such excuses as I could to decline, but, after much importunity, consented. Utterly destitute of the talent of extemporaneous public speaking on subjects with which I am not familiarly acquainted, and conscious that my information upon the subject under discussion was exceedingly imperfect, I spoke with shame and mortification for about ten minutes. I apologized for my ignorance, and talked at random, referring unconnectedly to such observations of the preceding speakers as occurred to me while

speaking. In extemporizing heretofore, I had found the principal difficulty to consist in having a closing remark always at hand and adaptable to any part of the address, to take off the awkwardness of an abrupt termination, or of making periods in the midst of sentences. While I was sitting in the pew, thinking how, if I should be obliged to speak, I could conclude, the idea occurred to me of the Spartan festival mentioned by Plutarch in his Life of Lycurgus, at which the three choirs, of old men, middle-aged, and children, boasted of their prowess, each in a couplet; and, not recollecting how they were translated by Langhorne and the other English translator, I put the ideas into three short English couplets of my own, and wrote them with a pencil on a letter-cover, and from that moment had no more concern about my speech. When pressed to speak, so that I could no longer decline, I took the stand in the chancel, and rambled about between apology and desultory remark, without method or point, till I began to be tedious, and then finished by telling the story of the Spartan festival, and the three choirs, of old men, middle-aged, and boys. I said the chorister of the old men was, I supposed, of about my age, as I was, if not the oldest man present, very nearly so; and that he, speaking for all the old men of the country, said, as might be rendered in our language:

> *We* have been in days of old
> Wise and generous, brave and bold.

Whereupon the representative of the man in the prime of life, about the age of the gentleman who was to succeed me (D. Webster), said:

> That which in days of yore ye were,
> *We* at the present moment are.

And then a blooming boy, such as I had no doubt more than one could be found in the present assembly, rose, and said:

> Hereafter, at our country's call,
> *We* promise to surpass you all.

A shout of laughter and a thundering clap of hands followed, and I returned to the pew where I had been sitting at the side

of Mr. Webster, who said, "Well, you have turned Plutarch to good account."

It was something like a coincidence, that while I had been hitching together these couplets he had asked me if I remembered a certain remark in Langhorne's preface to his Plutarch—which I did not, but said I had read and admired Langhorne's preface; in which he concurred. He was suffering with a very severe catarrhal cold. When pressed to speak, he declined quite as earnestly as I had done; but he, too, was constrained, and addressed the auditory for about a quarter of an hour. He was for a reform in the teaching of the common schools, and said that the fault of the instruction was in teaching words instead of things. He said, also, that all the elementary instruction that he had ever received before he entered college was at the common schools. He spoke with energy and power; and, as an occasional inhabitant of Marshfield, in the county of Plymouth, was in favor of the establishment of the Normal School, and would cheerfully pay his proportion for it. This expense is the only difficulty to be gotten over, for it finally appeared that of all the towns to which the specific proposal had been made to provide for the expense by a proportional contribution of a loan at a nominal interest, only two had accepted; one had positively rejected it, and from the rest no answer had been received. The meeting adjourned between five and six, and I came home with Mr. Putnam, who stopped and took tea at our house.

4th. Ladies of Quincy; picnic and ball. The dissipation of yesterday encroached upon the time of this day and threw me again into arrears. It was not until this time that I could complete the revisal of the fragment pamphlet, to send back one revised copy to Mr. Gales, and one to Lewis Tappan, of New York; which I did. The picnic and ball was given by the ladies of Quincy on this day, with great formality, and with the intention of showing respect to me and to my wife. The hour fixed in the printed invitation was four in the afternoon. The place was a lot of land given by my father to the town of Quincy, and called the "Hancock lot," because the cellar still remains upon it of the house in which John Hancock was born.

Soon after four, Mr. Ibrahim Bartlett and Mr. Lloyd G. Horton came as a deputation from the company to enquire at what time it would suit me to join them. I said, immediately. My wife, with other ladies of the family, had already gone. Mr. Bartlett and Mr. Horton returned to the company, and then came back and escorted me to the entrance of the lot, where I was received by six young unmarried ladies, between whom I was conducted to the large lime-tree in the centre of the lot, there received by two married ladies, who presented me to Mrs. Baxter, the lady hostess of the party, who conducted me and my wife to a couple of chairs under an arch of evergreens, overshadowed by the wide-spreading branches of the lime-tree. There was an inscription over the arch, which I did not see. The Rev. Mr. Peter Whitney stood near, and all around was a circle of women, young and old, to the number of about two hundred, with very few exceptions all inhabitants of Quincy. Mr. Whitney, in the name of the ladies, addressed me by name, and said they had invited me to that party in token of their respect for my long and eminent public services.

Much to my relief, he said no more; for more, according to the custom which has lately crept in among us from England of beplastering a man with flattery to his face—more would necessarily have been fulsome and unmeaning adulation in the shape of praise.

I then addressed the ladies for about five minutes, thanking them for their kindness, and alluding to the testimonials of approbation and confidence which I had received last summer from the men of this Congressional district after the fiery trial of the preceding winter. I said that this had made a deep and abiding impression upon my heart, but that at the two sessions of the present Congress new trials, of a different character, had come, in which the rights and the reputation of the women of my country, and particularly of the district, were involved. I stated the number of petitions which I had received from the several towns in the district from women; the violent outrage by the Chairman of the Committee of Foreign Affairs, Howard, upon the petitioners, and the insult upon the sex, which I had felt myself called upon to repel, and the defence of the rights

and fair fame of women which ensued. It was to this, I presumed, that I was indebted for the present kind notice of approbation from the ladies of Quincy, and to another of a similar nature in another town of the district. I then made some remarks on the right of women to petition, and on the propriety of their taking a part in public affairs. This was a point to be left to their own discretion, and there was not the least danger of their obtruding their wishes upon any of the ordinary subjects of legislation—banks, currency, exchange, Sub-Treasuries, internal improvement, tariffs, manufactures, public lands, revenues and expenditures, all which so profoundly agitate the men of the country; the women, so far from intermeddling with them, could scarcely be prevailed upon to bestow a thought upon them; and, knowing that, it was scarcely consistent with civility so much as to name them in their presence. I now alluded to them only to discard them. But, for objects of kindness, of benevolence, of compassion, women, so far from being debarred by any rule of delicacy from exercising the right of petition or remonstrance, are, by the law of their nature, fitted above all others for that exercise. I said I hoped their right would never again be questioned. I was sure if the gentleman who, I believed, in an unguarded and inconsiderate moment had indulged himself by casting the reflection which I so earnestly reprobated could be present to witness the scene now before me, he would never again be tempted to express so ungentle a sentiment. I hoped no member of the House of Representatives of the United States would ever again be found to treat with disrespect the sex of his mother, but would feel for every woman the sentiment which I would now tender in thanks to every female present, whether mother, daughter, wife, or sister, as expressed in the beautiful lines of an English orator and poet—

"Had I a heart for falsehood framed, I ne'er could injure you,
For, though your tongue no promise claimed, your charms would keep me true.
To *you* no soul can bear deceit, no stranger offer wrong,
But friends in all the aged you'll meet, and lovers in the young."

Thus I closed, and then the collation followed.

With many of the women I was acquainted, and they introduced me to others. As the sun went down, there was a dance upon the green. The morning had been cold. The sun had warmed the atmosphere, and it was very comfortably warm. Immediately after sunset, however, it became again chilly, and the party adjourned to the ball-room at French's Hotel, now called the Hancock House. Invitations to the ball were given us on the ground. I came home, and between seven and eight accompanied the ladies to the ball. The hall was crowded to excess, and fifty couples were dancing at one country dance. The dancing was universally good, and far more animated than I had seen at private balls for many years. We remained about half an hour after the evening bell, and then, though much urged to stay to the supper, came home.

November 8th. I read Pearson, S. 48, on the reading microscope; 49, on the plumb-line; 50, on the spirit-level; and 51, on artificial horizons. These are all inventions for improving and perfecting the great instrument of astronomical observation, the telescope. The practical usefulness of this science seems confined to navigators on the ocean, and they generally know little more of it than to take the altitude of the sun upon the meridian, and, with the help of tables in the Nautical Almanac, to work out their longitude. To me, the observation of the sun, moon, and stars has been for a great portion of my life a pleasure of gratified curiosity, of ever-returning wonder, and of reverence for the Creator and mover of these unnumbered worlds. There is something of awful enjoyment in observing the rising and setting of the sun. That flashing beam of his first appearance upon the horizon; that sinking of the last ray beneath it; that perpetual revolution of the Great and Little Bear round the pole; that rising of the whole constellation of Orion from the horizontal to the perpendicular position, and his ride through the heavens, with his belt, his nebulous sword, and his four corner stars of the first magnitude, are sources of delight to me which never tire. Even the optical delusion by which the motion of the earth from west to east appears to the eye as the movement of the whole firmament from east to west, swells the conception of magnificence to the incomprehensible

infinite. There is, indeed, intermingled with all this a painful desire to know more of this stupendous system; of sorrow in reflecting how little we ever can know of it; and of almost desponding hope that we may know more of it hereafter.

10th. While packing up for my departure, I had a morning visit from Dr. Channing, Dr. Tuckerman, Mr. Phillips, son of the late Lieutenant-Governor Phillips, and Dr. Channing's son. They were here nearly two hours, and I had a long conversation with them upon slavery and anti-slavery, abolition societies, and slave-holding policy.

Dr. Channing asked my opinions upon two points: one, the present test question of the abolitionists—the immediate abolition of slavery in the District of Columbia and the Territory of Florida; and the other, whether, in the event of the adoption of those measures, the Southern States would secede from the Union.

I said, first, that to make a test question upon the *immediate* abolition was absurd, and had something captious in it, because it was notoriously impracticable. There is in the present House of Representatives (a majority) of nearly two to one opposed to the consideration or discussion of the subject; and if the proposition should be made, they would refuse to consider it.

Mr. Phillips said he wished I would take some method of publishing this opinion.

I told him of the letter I wrote to Mr. C. P. Kirkland, and said I should probably take some occasion to express similar opinions at the approaching session of Congress; but that my opinions will have no influence upon the abolitionists, who have already given me repeated warnings that they will desert and oppose me if I do not come over to *them* in the creed of *immediate* abolition. I said it was necessary to consider the spirit of abolitionism as a fact as well as a theory—as a phenomenon to be studied, and over which no individual can have much control. As to the second question, I did not believe that the South would dissolve the Union if slavery should be abolished in the District of Columbia and in Florida. South Carolina might perhaps secede, but she could not carry the South with her.

Dr. Channing appeared to entertain great apprehensions for the Union, and deep concern at the violence of the abolition spirit.

We had also some conversation upon the Currency, Bank, and Sub-Treasury questions. Mr. Phillips expressed himself strongly averse to a national bank.

I said I thought a national bank indispensable for the safe collection and disbursement of the revenue; and if I had the power—that is, if I could prevail upon Congress and the people to be of the same opinion—I would establish one to-morrow. But now there is a prejudice against it in the opinions of a large portion of the people throughout the Union. It is a bone of party contention, and therefore not now expedient. Nor should I have the same confidence in a national bank to furnish a sound currency, to regulate exchanges, and to check the over-issues of all the State banks, as did the two former banks of the United States, each for twenty years. The main difficulty would now be, to make up a capital for a national bank—four-fifths of the capital of the last bank having consisted of public securities, bearing an interest of six per cent., to which the faith of the nation was pledged, and which now no longer exist. I promised to call and see Dr. Channing in Boston before my departure for Washington.

BOSTON, 12th.—Between breakfast and dinner I visited Dr. Channing. I had a conversation again of two hours or more with him upon the subject of the abolition of slavery. The Doctor was heretofore an idol of the party now calling themselves Whigs, but has become very obnoxious to them. They had almost worshipped him as a saint; they now call him a Jacobin. He is deeply sensitive to this change in his worldly fame, and exceedingly fearful that the abolition cause will go to ruin, or that the abolitionists will stir up an insurrection of slaves and lead to a dissolution of the Union. In his youth he resided some time in Virginia, and is well acquainted with the character of the planters in that State, which, he thinks, has undergone a great and remarkable change since he lived there; that is, within the last forty years. He was then struck with the great and unbounded security in which they lived in the midst

of their slaves, and surrounded by them, and nightly at their mercy for their lives. They were also then a people careless of property, improvident, and thriftless, and generally wasting their estates in expenses beyond their means. He thought them now at least as economical, thrifty, and parsimonious as the people of the North. He spoke of the family in which he lived, the heads of which had been, at one period while he was there, absent some time from home, leaving him in charge of the domestic establishment. And there was then one slave who slept not in the house himself, but came regularly every evening and locked him in for the night and carried away the key. Much of this security was owing to the fact that among the household slaves there was almost always one or more profoundly attached to their masters, and if ever any project of insubordination or disorder was formed among the field-slaves the house-servants always disclosed it to their masters. The Doctor said there were now at the South many women inclined to favor the abolition of slavery; that in the course of the last summer he had travelled in company with a lady of Baltimore, who told him that she was herself an abolitionist, and that multitudes of Southern women were so at their hearts. But he recurred continually to the fact that the Southern slaveholders would dissolve the Union; said he had heard it had been remarked by Mr. Cushing that there was a growing coldness on the part of the Southern members towards those of the North; and asked me how the Southern members treated me.

I said they all treated me as gentlemen, and most of them with kindness and courtesy; that Mr. Cushing had been desirous of a very intimate personal intercourse with the Southern members, and perhaps had seen some change in their deportment towards him. I had thought it apparent that they generally held in contempt the Northern members who truckled to them, such as John Randolph had nicknamed "dough-faces." But there was so marked a difference between the manners of the South and of the North that their members could never be very intimate personally together. The Doctor appeared to entertain a great distrust of the political action of the

abolitionists, and feared they would ruin their own cause and its friends. He asked me to write to him; which I promised to do.

16th. I went to Mr. Page's painting-room, and sat about half an hour. At eleven o'clock there came in quick succession about twenty gentlemen, the subscribers for whom this portrait had been painted, among whom were Richard Fletcher, Abbott Lawrence, Josiah Quincy, Jr., Jonathan Phillips, Isaac P. Davis, Joseph T. Buckingham, George Parkman, Ellis Gray Loring, Francis Jackson, Henry G. Chapman, S. P. Shaw, a son of Robert G. Shaw, and some others, with whom I was not personally acquainted. After viewing the portrait, Mr. Loring addressed them, and said that it would now be necessary to determine what disposal to make of it.

Mr. Phillips was then chosen Chairman of the meeting, and, with five others, was appointed a committee to withdraw and report a resolution to the meeting for adoption. They went accordingly, and soon returned with a resolution that the portrait should be presented to the city of Boston, to be suspended in Faneuil Hall.

This resolution was unanimously adopted, and the same committee were charged with the office of presenting the picture to the city authorities. They then passed a vote of thanks to Mr. Page for the handsome execution of the work, and a motion was made for a vote of thanks to me for the favor of sitting to the painter; upon which I interposed, and said that I felt this would be an inversion of the part suitable to be performed between them and me; that the thanks were due from me to them, and that I offered them with the deepest sensibility to their kindness; that when requested by two of them to sit to the artist, I had cheerfully complied, without knowing or enquiring what was the purpose of the proposal, nor had a conjecture entered my mind upon this subject till I was now made acquainted with it; that I entreated them to believe that I felt it as an honor doubly precious—in the act itself and in the delicacy of the manner in which it had been performed; and if the return of my thanks to them was not expressed in elegance of language suitable to the occasion, I hoped they

would attribute the deficiency of words to the pressure of an overburdened heart.

Mr. Phillips, the Chairman, made a brief complimentary reply, and the meeting dispersed.

I went and spent the evening with Mr. Abbott Lawrence. He is, perhaps, the most leading man of Whig politics in Boston, though not at present in any public office. I had much conversation with him upon the present condition and prospects both of the National and State politics. Lawrence is a frank, open-hearted man, who, with a good school, but not classical, education, has made a large fortune, and lives in much affluence and hospitality. He has been for many years devoted to Mr. Webster, and the main pillar of his support, both pecuniary and political. He now thinks Webster has coalesced with Harrison against Clay upon the Presidential competition, and is himself for Clay. But such is the ascendency of Webster over his party that he treats his friends as Goldsmith says Garrick did his—

> "He cast off his friends as a huntsman his pack,
> For he knew when he pleased he could whistle them back."

24th. I had met Edmund Quincy in the street, and he had promised to come and have some conversation with me this evening. He came, and I conversed with him freely on the political movements of the anti-slavery and abolitionist party. They interrogate all the candidates for the General and State Legislatures what their opinions are upon sundry questions relating to the abolition of slavery; and if the answers are not exactly conformable to their opinions, they vote against the candidate, or scatter their votes to defeat his election. Very few of the candidates answer the questions to their satisfaction, and they show their power by marring the elections. The result of their interposition has been hitherto mischievous, and, I believe, injurious to their own cause. I urged this as strongly as I was able, but apparently without making any impression upon his mind. The moral principle of their interference to defeat elections when they cannot carry them appears to me to be vicious; and I think the first result of their movements will

be to bring the two parties together against them. As yet, their political action has only tended to break down the barriers between the parties, the natural consequence of which is to strengthen the Administration which they abhor.

WASHINGTON, 29th.—Thanksgiving day in my native Commonwealth of Massachusetts, and humble and hearty thanks I give to the Disposer of all events for all blessings that I have ever enjoyed, and particularly for those of the yet revolving year. I paid a morning visit to President Martin Van Buren, whom I found alone in his cabinet, the east chamber of the Presidential house. Half an hour's conversation with him—chiefly on the disposal of the Smithsonian bequest. I referred to my conversation with him before my departure hence last summer, to the letter I received afterwards from the Secretary of State, Forsyth, and to my two letters to him in answer to it. He had not seen my letters, but had on his table copies of them, and of a report from Mr. Rush, and of a letter from President Wayland, of Brown University, at Providence; all which, he said, had been sent to him this morning from the Department of State, and none of which he had yet read. With regard to the disposal of the fund, he should leave it entirely to Congress to make provision for it.

I recurred to some of the remarks in my letters to Mr. Forsyth recommending the establishment of an astronomical observatory. He said he had found this idea of an observatory favorably received by all to whom he had mentioned it. He spoke in high commendation of Mr. Rush for his ability in obtaining the money from the Court of Chancery, and said that he had recommended his appointment.

We had some conversation also upon the disturbances on the Canadian frontier, which he seemed to think more troublesome than I had expected. He said Mr. Fox had been greatly and, he thought, unnecessarily alarmed, and had been made to believe that there was a projected invasion of Canada from our side of the river of two hundred thousand men. He said, further, that the greatest excitement on our side now was on the Michigan border, and the greatest danger at Cleveland.

Evening visit from Mr. Woodbury, the Secretary of the

Treasury. He invited me to dine with him next Saturday, with the President and some of the foreign Ministers. I accepted the invitation. But the dining of the President with the heads of Departments and foreign Ministers is a novelty introduced by Mr. Van Buren, and of which I believe there is no example by any of his predecessors.

Mr. Woodbury spoke about the disposal of the funds of the Smithsonian bequest, and gratified me much by the statement that the whole fund is now invested at an interest of six per cent. a year; that the principal sum received is about five hundred and eight thousand dollars, and that it will yield upwards of thirty thousand dollars a year. He said, further, that a question had occurred whether the expenses occasioned by the recovery of the money were to be deducted from the fund itself or to be paid by the public; and the Attorney-General had just given an opinion that no deduction from the fund should be made.

I told Mr. Woodbury that I was delighted to hear this; and I urged most earnestly upon him, as I had done this morning upon the President, the duty of this Government, to the honor of the nation and to the testator, to keep this fund entire and unimpaired, and to devote its annual proceeds to the generous and glorious object to which it was devoted by him—to no purpose of common education, to no school, college, university, or seminary of learning, but to the increase and diffusion of knowledge among men.

Mr. Woodbury appeared to concur in these views, and I have a faint hope that the fund may be so managed as to produce some useful result.

30th. Went to the hall of the House of Representatives. At the Clerk's office I enquired for the journals and documents of the last session; but they were not ready to be delivered. Burch, the most efficient clerk in the office, was in perplexity what to do between George W. Jones and James D. Doty, both claiming the seat in the House as delegate from the Territory of Wisconsin. The questions presented by this case resemble, but are not identical with, those of the recent contested elections in Mississippi. The delegates from Territories are admitted

to seats in the House, with the right of debating, but not of voting, by a provision in the ordinance for the government of the Northwestern Territory, adopted by Acts of Congress under the general authority to make needful rules and regulations for the Territories to the organization of Congress in two Houses. There are two laws: one, of 1817, which provides that the delegates shall be elected for the same term of two years for which members of the House of Representatives are elected; and the other, of 1836, constituting the Territory of Wisconsin, and authorizing the election of a delegate once in every alternate year. Under this last law Jones was elected; and, it being the second year of the Twenty-Fourth Congress, he sat not only in the second session of that Congress, but in the first and second sessions of the present Twenty-Fifth Congress. At the expiration, however, of the two years, another election was held, and Mr. Doty was chosen; and now Jones claims the seat for the remaining session of this Congress under the first election, and Doty claims it under the last election. Burch directed the list of the members to be made out with the name of the delegate from Wisconsin left in blank, but not with the seat announced vacant.

Day. The first ten days of this month were passed at Quincy much like those of the preceding month, excepting that my family had departed. I then spent upwards of a fortnight with my son and his family at Boston; not in idleness, but with too much waste of time. Then, in three days, I came to Washington, and rejoined my family on the same day of the month preceding that on which they had left me. I close the present month with a renewed residence in an old house. My former residence here was in the last rising portion of my life; it is now that in which I may close my career. That it may be one in which the remnant of my days may be devoted to the glory of God, to peace on earth, and to the best welfare of my country, I humbly and devoutly pray.

December 1st. Morning visit from Colonel Thomas, and then from Mr. Charles Buller, the private Secretary of Lord Durham, the late Governor-General of the northern British Provinces on this continent. He brought me two letters—from Miss Harriet

Martineau, England, and from Mr. Charles A. Davis, at New York. Lord Durham, whose magnificent mission to Canada has proved a failure, embarked at Quebec, about the first day of November, on his return to England. Mr. Buller remained behind, but has now come on to embark next Wednesday in the steamer Liverpool, from New York. He said he had availed himself of the interval to pay a flying visit to this city, and Mr. Cambreleng had promised to take him this evening to see the President. I had more than an hour's conversation with Mr. Buller upon the affairs of Canada and our own. He was more inquisitive than communicative, but said that affairs in Canada were so very bad that Lord Durham had thought it his duty to make the best of his way home without indulging himself in a visit of curiosity to the United States. He said that the worst feature in the condition of Canada was the inveterate and rancorous mutual hostility between the English and French population.

He was followed by Baron Maréchal, lately arrived here as Minister Plenipotentiary from the Emperor of Austria, who, on coming up, claimed an acquaintance of more than twenty-five years' standing. His name had not been announced, and when he came up I did not recognize him; but immediately on his naming the acquaintance of twenty-five years, I knew him for the Baron Maréchal, Secretary of Legation to Count St.-Julien, at St. Petersburg, in 1811 and 1812. But I remembered not a feature of his face. He was then a young man, certainly not exceeding twenty-five; he is now an elderly personage, turned of fifty, but very lively and conversable. He told me Count St.-Julien had been many years dead; and, indeed, in running over the roll of distinguished persons, Russians and foreigners, whom we had both known there, it was a mere necrology, as if we were wandering among the sepulchres of a church-yard. Even the story of the survivors was not joyous. Nesselrode and the Baron de Blome yet flourish in a green old age; but his account of Einsiedel was melancholy. He himself came on a mission to Brazil in 1819, and lived there eleven years. He returned home in 1830, and has been residing the last eight years in Europe.

My last morning visitor was M. Harmon Kingsbury, from Ohio, the person who was last winter so anxiously earnest for the suppression of the Sunday mails. He is not less zealous in the pursuit of the same object now, and intimated rather obscurely a wish that I would introduce the bill. But I do not feel inclined to enter upon that controversy. I told him that the shortest way would be to call up the petition of the last year and have it referred to a committee; and if he was prepared with another petition, it might be presented, and referred to the same committee.

2d. In the afternoon I went to St. John's Church, and heard the evening service for Advent Sunday performed by a stranger, who, Mr. Hawley told me, was a Mr. Bradley, from Connecticut. But my thoughts were so much absorbed by painful worldly cares that I retained little, very little, of Mr. Fowler's sermon, and not even the text of Mr. Bradley. Nor was I more successful in taking up the first volume of the Rev. G. R. Gleig's History of the Bible, of which I read a very few pages and was obliged to lay it down. Too often on the Sabbath does my spirit struggle with the world in vain. I was preparing for the commencement of the session of Congress, and never had it been more necessary for me, in entering upon the duties of the time and place, to implore of the Father of Spirits the "Urim" and the "Thummim," the *Light* and the *Right*, as guides for my conduct in the new trial through which I am to pass. I was drawing up resolutions for presenting to Congress the writings of La Fayette, from his son and family; for referring to a select committee the anti-Texas petitions, memorials, remonstrances, and resolutions; for an enquiry into the conduct of Andrew Stevenson in his controversy with Daniel O'Connell, as well as the participation of Captain Perry in that affair; and for re-introducing the Senate's bill against duelling—all which, after long and anxious deliberation, I believe to be my duty, but in no one of which can I expect success, except in the mere presentation of the books.

In the present composition of Congress I can bring forward no public measure of probable utility with the remotest hope of success; and the only practical consideration for me must

be, what measures it may yet be my duty to propose, with the certainty that they will fail, and how it may be practicable to treat them when introduced. Measures may fail in Congress and yet make a salutary impression upon the public mind. They may fail in both, at least for a time, and yet be just and important in themselves. The question, whether and when to bring them forward, is of great difficulty, and requires the coolest self-scrutinizing exercise of the judgment. This is now the condition of my mind, and in reflecting upon it, the thought occurred to me while at church this morning that I needed a *lamp* and a *key*. The idea fermented through the day, but bore no fruit.

3d. Third session. Rode to the Capitol between eleven and twelve A.M., and found two hundred and ten members assembled in the hall of the House of Representatives. Mutual greetings—cordial on the lips. I gave the Speaker a letter to the President of the Senate, and to him, to be read on presenting the copy of the memoirs and writings of La Fayette, from his son and family, which he said he would read after the organization of the House. Precisely at noon the Speaker called the House to order. The roll was called over by States, beginning with Maine, and two hundred and ten members answered to their names. Six new members were qualified. For the Territory of Wisconsin two persons appeared, each claiming to be the delegate—Mr. Jones by the former, and Mr. Doty by the recent, election. The consideration of this question was postponed to next Thursday. The death of the late Clerk of the House, Walter S. Franklin, was announced by a letter from the Chief Assistant Clerk, Burch. It was determined to proceed forthwith to the election of a Clerk, and, upon the motion of Dromgoole, it was determined, by yeas and nays—one hundred and nineteen to ninety-one—that the election should be by ballot. The Speaker, referring to a rule of the House, said there must be a previous nomination. Nine persons were nominated: of whom Dromgoole nominated Hugh A. Garland, of Virginia; Corwin, Matthew St. Clair Clarke, the former Clerk; Bronson, Edward Livingston; and Clark, of New York, Reuben M. Whitney, who had two votes.

At the first ballot Matthew St. Clair Clarke had fifty-five votes; at the second, eighty-eight; and at the third, one hundred and four votes. Garland had forty-eight; at the second, fifty-nine; and at the third, one hundred and six—the exact number necessary for a choice—and was chosen. Theodorick Lee and Russell Jarvis had sent round printed circulars announcing themselves as candidates, and were not even nominated. Arnold Naudain was in attendance, but got only about twenty votes; Edward Livingston scarcely any more. After the second ballot, all the nominations were withdrawn except those of Garland, Clarke, and Whitney, who had no vote after the first vote. The vivâ voce and the choice of Garland were both Virginian triumphs.

4th. Walk to and from the Capitol. Hugh A. Garland was sworn by the Speaker as Clerk of the House. Concurrent vote for a joint committee, with message to P. U. S. The Speaker read my letter presenting the memoirs and writings of La Fayette, from his son and family. I offered a joint resolution of thanks, and that the books should be deposited in the library; which was unanimously adopted by the House. I then offered a resolution that all the petitions, memorials, and remonstrances against the annexation of Texas, presented at the first and second sessions of the present Congress, and the resolutions of seven State Legislatures upon the same subject, be taken from the Clerk's files and referred to a select committee of members, to consider and report thereon.

A motion was immediately made to lay my motion on the table.

Mercer enquired of Howard whether the proposal of annexation made by the Government of Texas had not been withdrawn.

Howard knew not, otherwise than by the notice in the Globe, that it had.

My motion was laid on the table, by yeas and nays—one hundred and thirty-six to sixty-one. I gave notice that I proposed to ask leave to-morrow to introduce a bill to prohibit the giving or accepting within the District of Columbia of a challenge to fight a duel, and for the punishment thereof—the bill

from the Senate of the last session; and, immediately after, I offered a resolution for a committee of enquiry upon five points relating to the controversy between Daniel O'Connell and Andrew Stevenson.

Howard moved that the resolutions be printed, and that the consideration of them be postponed till next Monday. Hopkins, of Virginia, moved to lay the whole subject on the table. Thomas, of Maryland, entreated him to withdraw this motion, but he refused; and the resolution was laid on the table, by yeas and nays—one hundred and forty to fifty-seven.

Cambreleng, from the joint committee to notify the President of the meeting of the Houses, reported that the President would make a communication immediately; and it was immediately announced at the bar, and delivered by Martin Van Buren, Jr. It was read by the Clerk, and occupied about an hour and a half in the reading. Haynes, of Georgia, moved that fifteen thousand copies of the message with the documents, and five thousand without the documents, be printed; and that it be referred to the committee of the whole on the state of the Union. After some adverse remarks by Bell and Wise, the motion was adopted.

The annual report of the Secretary of the Treasury on the finances was received, and, on the motion of Cambreleng, laid on the table, and ten thousand copies ordered to be printed. The House adjourned near four o'clock.

5th. I obtained from Mr. Early, the keeper of the House's library, a copy of the pamphlet laws of the first session of the Twenty-Fourth Congress, and in the Clerk's office a copy of the pamphlet edition of the laws of the first and second sessions of the present Congress. In the library of Congress I procured the volume of the statutes of Virginia containing the law for suppressing the practice of duelling, and, with the aid of Charles Naylor, the volume of Niles's Register containing the order from President Jackson, of March 20, 1830, to strike from the roll of the navy Lieutenants Edward Byrne and Hampton Westcott, Passed Midshipman Charles H. Duryea, and Midshipman Charles G. Hunter, for having been concerned in a duel which took place between Hunter and William Miller, Jr.,

of Philadelphia, which resulted fatally to the latter. These books will be necessary for me, if I can obtain the consideration of the House to the resolutions that I have offered relating to the controversy between Andrew Stevenson and Daniel O'Connell. There is no subject before the House which I believe to be more important, and there is none more difficult to manage, and requiring, above all things, the perfect mastery of my own temper—for which I pray for aid from above. My ultimate object is to rally the public mind as much as possible against the barbarous and abominable practice of duelling. I well know that the House will pass no vote of censure upon Stevenson, or upon President Van Buren for suffering to pass without rebuke or censure the conduct both of Stevenson and of Captain Perry in these transactions, boasted of in three published letters of James Hamilton, of South Carolina. But, if my power were equal to my will, I could turn these incidents to account at least so far as to compel the Congress, under the influence of public opinion, to enact some law to suppress, or at least to check, the detestable custom of private war. Inflexible firmness, untiring perseverance, imperturbable calmness, composure, courtesy, and prudence are all indispensable for the management of this subject, and a failure in the exercise of either of these would not only expose me to obloquy and odium, but bring dishonor upon the cause which I am most anxious to promote.

In the library I met Mr. Papineau, the Canadian, who asked my permission for him to call upon me to-morrow morning —which I readily granted, as also that he should bring with him Mr. Wolfran Nelson, one of the insurgents transported to Bermuda by Lord Durham, and who has found his way back to this country.

6th. Mr. Papineau and Mr. Nelson called upon me this morning, and held a conversation of an hour and a half with me on the affairs of Canada. Mr. Papineau had the discourse almost entirely to himself, for I deemed it proper to hold myself entirely reserved upon all that he said. His object was to urge the propriety of some expression of *sympathy* for the people of Canada upon Congress. The tenor of his argument

was the earnest desire of the people of Canada to become a part of the North American Union, and the unequivocal interest of the United States in the same event. He said that in the year 1822 he had been sent to England as an agent in behalf of the suffering Canadians, and had several conferences with Lord Bathurst, then the Colonial Secretary of State, concerning the grievances complained of by the Canadians; that Lord Bathurst's professions were highly friendly and conciliatory; that he admitted the insuperable difficulties of a Government at the distance of three thousand miles from the people governed; that the time must come when the Canadas must have an independent Government of their own; that they wished to retain their authority there only during their feeble condition, with a thin and scanty population, incapable of coping with the great and growing power of the United States; it was the interest and policy of England to cherish and lay the foundation in this country of a counterpoising power to the United States, and when they shall have acquired a sufficient consistency to stand by themselves, they might separate amicably from Great Britain, substituting an alliance offensive and defensive in the place of a superintending Government.

Mr. Papineau stated that he had candidly expressed to Lord Bathurst opinions widely different from these. He had avowed the conviction that a transatlantic Government could not serve the purpose, for a long time, of a free people; that the separation must, therefore, at no distant day take place; and he believed that the highest interest both of the United States and of Canada dictated to them the most intimate of national unions; that by an alliance offensive and defensive with Great Britain, Canada, the weaker power, would necessarily be always involved in all the quarrels of the stronger; that Canada could have no possible motive for engaging in European wars, and no possible interest adverse to that of the United States; that her natural policy would be precisely the same with that of the Union —peace with all the world, and harmony with her immediate neighbors. Lord Bathurst's reply was, that these were the opinions of a young man, which he would find occasion by experience to revise; and still insisted upon the policy of England

to treat the people of Canada with all possible kindness, and to cherish them as a counteracting check upon the growing and formidable power of the United States. Mr. Papineau said that he had soon after returned to Canada; that the policy of the British Government, as laid down to him by Lord Bathurst, had been so ill managed, or so radically wrong, that it had alienated the whole people of Canada; that the detestation of the British Government in Lower Canada was unanimous, and was shared by the majority of the people in Upper Canada; that year after year the Executive Council had been struggling against successive Houses of Assembly, passing bills with majorities of from eighty to eight or ten; that the outbreaks of the last winter and recently were rash and premature, not approved by him, but lamented as injurious to the cause which they were intended to promote. But that the British Government in the Canadas was now a barbarous, cruel, and vindictive despotism; it was utterly detested by the people of Canada, whose principles and affections and feelings were all turned towards the United States; that in this their distressed condition he had hoped that some mark of sympathy with the feelings of the people of Canada might be obtained from Congress, and he had addressed himself to me, as possessing influence in that body, for advice and counsel in their behalf.

I asked him if he had seen the President.

He said he had not; that he had a letter of introduction to him, but, supposing that at the commencement of the session he would be incessantly engaged, not only in business but with visitors, he had not yet called upon him.

I asked him if he had read the part of the message relating to the troubles in Canada. He said he had.

I said that the course of policy to be pursued by the Government of the United States with reference to that interest was there fully set forth; and it would be sustained by all the supporters of the Administration. I believed that the opposition generally considered the Canadian subject in the same point of view, and that the public opinion ran so much in the same direction, that whoever should undertake to go counter to it would only expose himself to severe animadversions, without

benefiting the Canadians at all; that our standing policy had been in all similar cases peace and neutrality; that for myself, I felt the warmest sympathy for the sufferings of the Canadian people, but that the statements now made by him had opened to me a view of the subject entirely new; that I had never been made acquainted with the specific grievances of the Canadians; and that from the appearances hitherto, both last winter and recently, the transactions there had more the appearance of invasions from the United States than of insurrections among the people of Canada.

He said those appearances were all delusive; that the people of Canada were nearly unanimous against the British Government, and, if they were armed, would join any invading party to overthrow that Government; that the British troops had burnt and destroyed many towns and villages—of which he named several—and had treated the people with the greatest possible outrage and brutality; and that nothing but the bayonet now kept, or hereafter could keep, them in subjection. Dr. Nelson was one of eight persons who were sent by Lord Durham to the island of Bermuda, which act the British Government had disavowed and censured. He said that when they arrived the Governor had informed them that he had no authority to detain them, and that they might go where they pleased. They asked him then for a vessel to return home, which he answered he had no authority to grant. So they hired a small vessel, of not more than thirty-two tons, and came to Norfolk. They had not reached that port twenty-four hours before the British frigate Pique came there in pursuit of them.

This, and much more, was said by these gentlemen, which I have no time to record.

Mr. Nelson asked me whether, as members of the late Canadian Legislature, they could be admitted behind the bar of the House—a question which I could not answer. After they had left me, I overtook them again in the Pennsylvania Avenue, and walked with them to the Capitol.

H. R. U. S. The contested Wisconsin election was again postponed till next Monday, and the order passed for the appointment of the standing committees. Dromgoole moved a

new rule of the House, that all elections by the House hereafter shall be by ballot; which motion lies over one day, according to notice.

I asked leave to introduce a bill prohibiting the giving or accepting of a challenge in the District of Columbia, and providing for the punishment thereof. It was read a first and second time by its title, and referred to a select committee of nine members. I then offered, as connected with the bill, three resolutions: (1.) Calling for any report or communication received from Andrew Stevenson concerning his controversy with Daniel O'Connell. 2. Whether the President has called him to account for his conduct in those transactions, or disavowed it to the British Government. 3. Whether he has called to account Captain Matthew C. Perry for his share in the conspiracy against the life of Daniel O'Connell.

These resolutions, by a rule of the House, lie over one day. At my motion, they were ordered to be printed; and the House before one adjourned over till Monday.

Mr. W. W. White, the editor of the Southern Review and Magazine, at Richmond, introduced himself and his daughter to me.

Edward Curtis brought me some lines from Shakspeare, and said a lady was very desirous to know in what play they were. I did not immediately recollect, but told him I could inform him to-morrow morning. I found them in the Winter's Tale, Act 4, Scene 3—spoken by Florizel, under the name of Doricles, to Perdita.

After dinner, a Quaker, by the name of Sutton, from Connecticut, on the border of New York, brought me a letter from Samuel Webb, and , of Philadelphia, with an elegantly bound volume, the History of the Pennsylvania Hall, presented to me by the managers and stockholders of the association.

8th. Morning visit to Mr. Martinez, Minister Plenipotentiary from Mexico, who has returned here; and the negotiations have been resumed since the close of the last session. He told me that the people of Mexico felt themselves under great obligations to me. I said it was very pleasing to me that what I

have done should be considered by the people of Mexico as beneficial to them; that I had acted under a commanding sense of duty to my own country, and I had earnestly labored for the preservation of peace and the restoration of harmony between the two countries, which I believed to be for the highest interest of both.

He told me that he had been here twenty years ago, attached to the Spanish mission of Don Luis de Onis; but this I had entirely forgotten. I then called at the Department of War, and saw Mr. Poinsett. I left with him a letter from John Maul, an unfortunate man, who, twenty-five years ago, was a captain of infantry in the army, and is now at Houlton, in the State of Maine, enlisted as a common soldier. He has been performing hard service in that capacity one or two years, in removing the Indians to their Western abode, and now on the border of the Northeastern boundary. I earnestly recommended this poor man for some promotion, but was unable to answer the question put by Mr. Poinsett—what were his habits?

He said he would have the enquiry made, and, if not intemperate, he should be promoted. Mr. Poinsett spoke to me of the exploring expedition, which, he rejoiced to say, was departed upon its enterprise, and he hoped we should ere long have a good account of it. He spoke also of the Smithsonian bequest, and declared himself warmly in favor of appropriations for an observatory upon the largest and most liberal foundation from it. But he gave several intimations from which I could draw no good augury. 1. He said the President had not made up his mind in favor of an observatory; whence I infer that he will ostensibly neither favor nor oppose it, but that he will underhandedly defeat it, taking care to incur no personal responsibility for its failure. 2. He insisted that a salary of eighteen hundred dollars a year would not be near enough for the astronomer; whence I infer that jobbing for favorites is to be the destiny of the Smithsonian fund. And, 3. He said that among the scientific men whom the President had consulted for the disposal of the fund was the English atheist South Carolina professor, Thomas Cooper, a man whose very breath is pestilential to every good purpose.

10th. H. R. U. S. The appointment of the standing committees was announced; nearly the same as at the last session. The Committee of Manufactures, J. Q. Adams, Slade, Biddle, Tillinghast, Vail, Naylor, Hunter, of Virginia, Elmore, instead of Foster, of New York, and Kennedy, instead of Webster, of Ohio. The committee on the bill to prohibit the giving or accepting within the District of Columbia of a challenge to fight a duel, and for the punishment thereof, are Adams, Toucey, Elmore, Rariden, Grennell, Grantland, Clark, Henry, and Coffin. The five succeeding my name were members of the Cilley Duel committee of the last session, which consisted of seven. The other two members were Potter, of Pennsylvania, now absent, and Bruyn, of New York, dead. Clark, of New York, takes the place of Bruyn, and Henry, of Pennsylvania, that of Potter. Coffin, of Ohio, and myself are the two new members of the committee.

I had met Mr. Polk, the Speaker, last Saturday in the entry of the War Department, and he had asked if I should have any objection to his naming on my committee the members of the committee of the last session; and I said, none at all. He said he would give me a committee favorable to the object of the bill.

I asked him then the question which Nelson, the Canadian exile, had put to me—whether, as members of a foreign Legislature, they could be admitted on the floor of the House behind the bar.

The Speaker said they could if they were now members of the Legislature; but, as the Legislature itself has been suppressed, they come not within the rule.

In the House, two messages were received from the President, with a large mass of documents, relating to the Smithsonian bequest; which were, at my motion, all ordered to be printed, and referred to a select committee of nine members.

There was also a message, with a report from the Secretary of the Treasury, relating to the defalcation of Samuel Swartwout, late Collector of the Customs at New York. As the report of the Secretary proposes some modification of the revenue laws, Mr. Cambreleng, Chairman of the Committee of

Ways and Means, proposed that so much of it as related to that subject should be referred to that committee, and that the part relating to the defalcation of the late Collector at New York should be referred to a select committee; requesting, however, that he might not be appointed upon it.

The question of the contested seat as delegate for the Territory of Wisconsin was, at the motion of C. F. Mercer, referred to the Committee of Elections.

Dromgoole's resolution for an additional standing rule of the House—that in all cases of election by the House the vote shall be taken vivâ voce—was then debated. Briggs and Tillinghast offered amendments, and, after an hour or more of discussion, the previous question was carried.

I then recurred to the express provision in the Constitution of the United States, that when the choice of a President of the United States devolves upon the House of Representatives, the House shall choose by *ballot*. The Speaker told me that I was out of order; but I read the passage in the Constitution, and appealed to it in vain.

The resolution was adopted, by yeas and nays—one hundred and twenty-six to eighty-five; but so glaring was the violation of the Constitution that, after the rule was adopted, at the motion of Sherrod Williams an amendment was adopted confining the new rule to the elections of officers of the House.

This incident affords an illustration of the utter recklessness with which deliberative assemblies in voting trample upon written Constitutions which every member of them is sworn to support.

11th. Walking to the House this morning, I overtook Mr. Preston, of South Carolina, and enquired of him if he knew anything about the pictures which in joint committee we had ordered for the vacant panels of the rotunda.

He said he had heard nothing of them; that they had turned him out of the Library Committee of the Senate, and his colleague (Calhoun) engrossed all the favors of the Administration. He spoke of the electioneering campaign which, since the last session of Congress, he had been obliged to pass through in South Carolina, in a subdued tone of indifference, unwilling to

disclose the bitterness of his soul. He enquired of me, with much earnestness of manner, whether I knew of any picture of Allston's, of any size, which he could purchase. And he told me that he doubted whether Vanderlyn would ever finish that picture for the rotunda which we had ordered from him.

There was a proposition made in the House that the States should be called for petitions; whereupon Atherton, of New Hampshire, rose and offered five anti-petition resolutions; objection being made, he moved a suspension of the rules; which was carried, by yeas and nays—one hundred and thirty-seven to sixty-six; and his resolutions were introduced; and, after supporting them by a speech of about half an hour, he finished by moving the previous question.

These resolutions had been agreed upon at a caucus of Administration members last Saturday evening. Wise, of Virginia, was the only member who attempted direct resistance against this process. He objected that the resolutions surrendered the rights of the South, and asked leave to present resolutions of his own; but the House would not suffer them even to be read. Other members, chiefly Southern, asked for postponement of consideration till to-morrow, asked to be excused from voting for the printing of the resolutions, and other expedients for staving off the vote; but all was in vain.

I saw it would be so from the beginning, and thought it not only most prudent but most proper to confine myself exclusively to the answer of aye or no to each of the questions as it arose, taking no part in the debate. There was a call of the House, at which two hundred and twenty-three members answered to their names. The second to the demand for the previous question was carried by a single vote—one hundred and three to one hundred and two; eighteen members not voting; seven members of the Massachusetts delegation, Borden, Briggs, Cushing, Grennell, Lincoln, Parmenter, and Saltonstall, voting for it; four, Calhoun, Fletcher, Hastings, and Reed, not voting. I alone voted against it, with Evans, of Maine, Everett, of Vermont, Potts, of Pennsylvania, Russell, of New York, and Slade, of Vermont. It surrenders the whole question; and the moment the resolution had passed, the House adjourned.

12th. The resolution of thanks to George Washington La Fayette, and the family of the late General, for the copy of his memoirs and writings, sent by them as a present to Congress, to be deposited in their library, which resolution had been passed in the House unanimously, was taken by our novice Clerk to the Senate without my letter to the President of the Senate and the Speaker of the House, and without the packet of books, though I had given special direction at the Clerk's table that they should be sent. They were sent the next morning to the office of the Secretary of the Senate, but not delivered to the President, William R. King, of Alabama. When the joint resolution from the House was taken up in the Senate, it was alone—the books were not there, nor my letter. The resolution was, therefore, at the motion of Clement C. Clay, of Alabama, laid on the table. The day before yesterday morning I went into the Senate-chamber, and on speaking to Mr. King, the President, found that my letter had not been delivered to him nor the books placed on his table. The Secretary of the Senate was not there. I told Mr. King that the books and my letter to him were in the Secretary's office; and he said there was no difficulty in the case.

This morning I saw in the Intelligencer that the joint resolution had been taken up in the Senate and referred to the Committee on the Library—not yet appointed. I went again to the Senate-chamber. Neither the President nor the Secretary was there. But I asked for Mr. Machin, a clerk in the Secretary's office, and, at my request, he placed on the President's table the packet of books, and produced my letter, which Mr. Davis, the Senator from Massachusetts, promised me should be delivered to the President. This was done, and the Senate concurred in the joint resolution. For all this delay I am chiefly responsible, for not having spoken on the very day that the resolution passed the House, and requested the President of the Senate, when it should be received there, to call for my letter and the books.

H. R. U. S. Mr. Atherton's four anti-abolition resolutions were all adopted, by yeas and nays, and each in two divisions —numbers of members asking to be excused from voting, but

all refused. Several did not vote; and Wise insisted upon having it entered upon the journal that he refused to vote. The resolutions were cunningly enough composed, blending together questions of State rights, and Congressional powers, and arguments, and inferences—all in wretched grammar, and worse logic, and yet puzzling enough to ensnare the Whigs, and some of the abolitionists, many of whom voted for parts of the resolutions, as if any of them were not null and void, or as if any resolution of the House could define or circumscribe the powers of Congress.

At the instant when the last half of the last resolution was announced by the Speaker as adopted—that which declares that all abolition petitions, resolutions, and papers shall be laid on the table without being debated or referred—I rose and addressed him, to offer a resolution, that no resolution of the House could add to or deduct from the powers of Congress conferred by the Constitution of the United States.

But Kennedy, of Maryland, addressed the Speaker at the same time, and the Speaker gave him the floor. He offered a resolution to correct the grammar of one of the resolutions already adopted, against which, he said, he had voted because it was bad grammar; and before the question was taken, whether Kennedy's resolution should be received, a motion to adjourn was made and carried.

Before the meeting of the House I met Saltonstall, who told me that he had voted yesterday for Atherton's first resolution without understanding it; that on seeing it in print this morning he disapproved it, and was disgusted with the whole proceeding; that he had thoughts of moving a reconsideration of the resolution for which he had voted yesterday; but he did not.

13th. H. R. U. S. Kennedy's motion to suspend the rules to repass one of Atherton's resolutions, by turning it into good grammar, was, after some desultory conversation, withdrawn. I then offered mine:

"Resolved, that the powers of Congress being conferred by the Constitution of the United States, no resolution of this House can add to or deduct from them."

Objection was made to its introduction. I moved a suspension of the rules to introduce it; which was refused, by yeas and nays—seventy-five to one hundred and twenty-four.

Wise then offered a string of what he called Southern resolutions, ultra servile; but the suspension of the rules was again refused.

Slade offered a resolution declaring the infamous nature of the slave-trade as carried on in the District of Columbia, and concluding that therefore so much of Atherton's resolution as related to that subject be rescinded. Suspension of the rules refused—yeas fifty-five, nays one hundred and fifty-seven.

John Calhoun, of Kentucky, offered a resolution instructing the Committee on the Judiciary to report bills for enforcing in the non-slave-holding States the restitution of fugitive slaves. Suspension again refused. The comparison of the yeas and nays upon these different questions might perhaps lead to some useful conclusions. They indicate the rallying of the whole South to the Van Buren standard, the close adhesion to it of the Northern and Western serviles, and the total want of settled principle in the Northern and Western opposition Whigs.

I doubt if there are five members in the House who would vote for a bill to abolish slavery in the District of Columbia at this time. The conflict between the principle of liberty and the fact of slavery is coming gradually to an issue. Slavery has now the power, and falls into convulsions at the approach of freedom. That the fall of slavery is predetermined in the counsels of Omnipotence I cannot doubt; it is a part of the great moral improvement in the condition of man, attested by all the records of history. But the conflict will be terrible, and the progress of improvement perhaps retrograde before its final progress to consummation.

14th. Cushman obtained a suspension of the rules for a resolution that no committee of the House should be permitted to employ a clerk at the public expense without first obtaining leave of the House for that purpose; which was adopted without opposition, and the first fruit of which was a resolution authorizing the Committee of Claims to employ a

clerk; moved by Chambers, and *carried*. The final result will be, that every party committee will have a clerk by asking for him, and that the clerk will be refused to all others, if asked for.

Cambreleng called up his Partial Appropriation bill for the service of 1838 and 1839—that is, the bill to pay the expenses of the two Houses of Congress, and the wages of their members; which was referred to the committee of the whole on the state of the Union, Howard in the chair, immediately reported by that committee without amendment, read a third time, and passed—a proof how rapidly business may be transacted for the benefit of the members of Congress themselves.

Howard enquired if the call for petitions would be in order, this being one of the days devoted, by the rules of the House, to private business. The Speaker said the call for petitions was the business first in order every day of the first thirty of the session; upon which Howard moved to proceed to the call of petitions. The Speaker commenced with New Hampshire, where the House had been left by Atherton's resolutions. Then, passing to Massachusetts, Cushing offered two resolutions recommitting to the Committee of Foreign Affairs certain petitions, resolutions, and other papers which had been referred to them at the last session; and he gave notice that he should ask leave to introduce a bill for the protection of the citizens of the United States in the Territory of Oregon. W. B. Calhoun presented several slavery abolition petitions, all at once; upon which Mr. Wise objected to their being received.

The Speaker said that, under the resolutions which had been adopted by the House, the question of reception could not be made.

From this decision Wise took an appeal, and a debate of nearly two hours ensued, all between the slave-holders, whether a question of the reception could be made of a paper which the House had predetermined should be laid on the table.

The Speaker recurred to the precedents for the three last sessions of Congress; and Wise and Pickens groped about to find a distinction between the resolutions of Atherton and those of Patton and Pinckney. At last Taylor, of New York,

called for the previous question; which was carried—the main question being, whether the decision of the Speaker should stand. When my name was called by the Clerk, I rose and said, "Mr. Speaker, considering all the resolutions introduced by the gentleman from New Hampshire as——" The Speaker roared out, "The gentleman from Massachusetts must answer aye or no, and nothing else. Order!"

With a reinforced voice—"I refuse to answer because I consider all the proceedings of the House as unconstitutional." While in a firm and swelling voice I pronounced distinctly these words, the Speaker, and about two-thirds of the House, cried, "Order! order! order!" till it became a perfect yell.

I paused a moment for it to cease, and then said, "A direct violation of the Constitution of the United States." While speaking these words with loud, distinct, and slow articulation, the bawl of "Order! order!" resounded again from two-thirds of the House.

The Speaker, with agonizing lungs, screamed, "I call upon the House to support me in the execution of my duty!" I then coolly resumed my seat.

Waddy Thompson, of South Carolina, advancing into one of the aisles, with a sarcastic smile and silvery tone of voice, said, "What aid from the House would the Speaker desire?"

The Speaker snarled back, "The gentleman from South Carolina is out of order." And a peal of laughter burst forth from all sides of the House. "The Clerk will proceed with the call," said the Speaker; and the yeas and nays—one hundred and eighty-five to six—Wise refusing also to answer.

17th. I attended at the Capitol, and in the chamber of the Committee of Manufactures an hour before the meeting of the House, making out the list of anti-slavery petitions, which I expected immediately to be called to present. Edmonston and Phillips were at the door of the House, and had me called out, but I told them I could not wait, as the State of Massachusetts was under a call for petitions. But immediately after the journal was read, Jacob Fry, Jr., of Pennsylvania, offered a resolution calling upon the President of the United States to inform

the House whether the Governor of the State of Pennsylvania has called upon him for a military force, and powder and ball, and buckshot, and ammunition of war, to put down the people of Pennsylvania at Harrisburg.

Objection was made, and Fry moved and carried a suspension of the rules, and his resolution, one of those which should lie over one day, was considered immediately, and sprung a debate of two hours—chiefly between the members from Pennsylvania. Cushing moved an amendment of further enquiry, whether any officer of the General Government had been concerned in the popular movement from Philadelphia to Harrisburg. Fry accepted this amendment, and the resolution was adopted, after some sharp-shooting between Petriken and Beatty on one side, and Biddle, Naylor, and McKennan on the other. Fry himself has no power of speech to answer anything; but Petriken is crusted with rabblement filth, and Beatty speaks the vernacular of the Emerald Isle.

Naylor said the object of all this was to cheat him out of his election to the next Congress; that the first fraud had been the attempt to throw out votes, giving him a majority of a thousand over his competitor, and return *him*—Charles J. Ingersoll —as the member elected; and that since this expedition to Harrisburg he had received a letter threatening a repetition of the same scene here if he should dare to take his seat in the next Congress.

After this brush, petitions were called for from the Massachusetts members. Briggs, Parmenter, and Grennell presented sundry anti-slavery petitions. Among these was one praying that Congress would recognize the republican Government of Hayti and enter into the usual relations of national intercourse with that island. This not being included within the gag-resolution was, without notice, referred to the Committee of Foreign Affairs. Afterwards Grennell presented one which prayed for all the slavery abolitions, and also for the recognition of Hayti, and moved that this part of the petition should be referred to the Committee of Foreign Affairs; upon which Wise rose and objected to receiving the petition. The Speaker told him that one such petition had already been referred to

the Committee of Foreign Affairs. Wise then moved a reconsideration of that vote.

The Speaker and Clerk, at this point, started a principle more demonstrative of the agonizing struggle of anti-abolition than anything that had before occurred. Wise asked to see the petition, and the Clerk, not finding it immediately under his hand, said it had not been sent to his table; upon which the Speaker said that altered the case; if the petition was not on the Clerk's table it was not in possession of the House, and the vote of reference to the committee had no effect, and the petition was not received.

Now, it is every day's practice to receive and refer petitions without sending them to the Clerk's table till afterwards. This was one of the Speaker's wooden nutmegs. But it did not assist him; for, after further search, the petition, which Grennell insisted he had sent to the Clerk's table, was found upon it.

Wise then turned again to his prior objection to *receiving* the subsequent petition; upon which he made a speech, and was answered by me; immediately after which the House adjourned.

18th. At half-past ten I attended at the chamber of the Committee of Manufactures upon the committee on the Anti-Duelling bill, whom I had caused to be notified to attend there this morning. Three other members only were present—Toucey, Grantland, and Henry; no quorum; but we discussed till the time of the House's meeting the amendments proposed by the Duel committee of the last session, without coming to any question upon them. We agreed to meet again to-morrow morning at ten.

In the House, the petition from Nantucket for the recognition of the republic of Hayti, on the objection made by Mr. Wise to its reception, was before the House. Grennell made a speech of half an hour in favor of receiving it. Fillmore expressed some impatience for the question. Loomis moved the previous question, and Wise moved to lay the whole subject on the table; which was rejected, by yeas and nays—one hundred and fifty-nine to thirty-two. Reed moved its reference to the Committee of Foreign Affairs. Stewart, of Virginia, moved to

lay the petition on the table; which was refused, by eighty-four to one hundred and three.

These three votes show a graduation of unsettled opinions and the panic terrors of the South upon abolition. It is remarkable, too, that only one hundred and ninety-one votes were given on the first question, and one hundred and eighty-seven on the second and third—more than fifty votes absent. Wise then withdrew his motion for reconsideration of the prior reference of another petition. Lincoln, Fletcher, Calhoun, Hastings, and Saltonstall presented numerous anti-slavery petitions, which were all laid on the table under the general order. Saltonstall presented another petition for the recognition of Hayti. Legaré then objected again to the reception of the petition, and with some difficulty obtained a hearing for a very elaborate and impassioned speech; immediately after which Cushman moved the previous question, but failed—sixty-six to seventy-nine. Petriken moved to adjourn; lost—seventy-five to eighty-nine. Saltonstall answered Legaré very handsomely, and then the House adjourned.

19th. Attended the meeting of the select committee on the Duelling bill. Present, Adams, Toucey, Grennell, Rariden, Grantland, Henry, Coffin; absent, Elmore and Clark. The bill and the amendments of the former committee were thoroughly discussed, and all the amendments of the old committee but one were adopted with slight modifications. I disapproved most of the amendments, because they reduced the penalties of the bill as it came from the Senate; instead of which they should, in my opinion, have been increased. But a majority of the members of the committee now present were members of the former committee, who had reported the amendments unanimously. They had also reported a section relating to commitments by the House for contempt. I objected to this as a useless incumbrance to the bill, and it was struck out. I was directed to report the bill as amended, and the committee adjourned without day.

In the House, immediately after the reading of the journal, with the permission of the House, I reported the bill; which was, at my motion, ordered to be printed as amended, and

referred to the committee of the whole on the state of the Union. Mr. Cambreleng, from the Committee of Ways and Means, reported a bill for the protection of the Northern frontier, and two others. Harrison, of Missouri, having moved the adjournment yesterday, now moved the previous question, which was carried, and the reference of the petition for the recognition of Hayti to the Committee of Foreign Affairs was ordered without a division. Sherrod Williams asked leave to offer a resolution for a new rule, that on the presentation of a petition, objection being made to its reception, the question shall be put and decided without debate. Objection was made, and the suspension was refused, by yeas and nays—ninety to one hundred and two.

A message was then received from the President, with copies of the correspondence, called for by Fry's resolution, relating to the call of the Governor of Pennsylvania on the President and Government of the United States for aid to quell the mob at Harrisburg which prevented the organization of the State Legislature. The papers were all read. Naylor moved that they be read, and referred to a committee of the whole on the state of the Union. Underwood moved that they be printed and laid on the table, which was finally carried without a division. Naylor made an ardent and passionate speech, and Potter an adverse one, in which he said that the difficulties at Harrisburg were likely to be all amicably settled. That is to say, that three members of the Whig House of Representatives have gone over to the Democratic House, leaving the Whigs without a quorum, and making one for the Democrats, without counting the members from Philadelphia, whose seats are contested, but who will now be secured to them by their compeers. The correspondence shows a refusal by the President to give the aid called for by the Governor of Pennsylvania, and a concurrence of all the Departments of the General Government to countenance and support the popular movement to overawe the Legislature. The whole series of these events is a development of our condition of no good omen to the future operation of our political institutions. Charges of gross fraud and corruption in the election returns from Philadelphia were made by both par-

ties against each other, neuter falso—both true. The result was two sets of eight members returned to the Legislature. The elections for the remainder of the State were so equally divided that the eight members thus contested form the majority of the House. Both sets repair to Harrisburg, claiming their seats, and divide into two parties, each numbering a quorum of the House, and each organizing itself as a House. At this juncture a number of individuals, proceeding from Philadelphia and other places, occupy the halls of both Houses of the Legislature, and, by threats of personal violence, intimidate the members and interrupt the deliberations of the body. The Governor of the State calls upon the militia for the restoration of law and order, and also upon the President of the United States for aid to suppress the insurrection. The call on the militia was answered. An armed body of them were conveyed to Harrisburg, and order was restored. But three members of the regularly constituted House went over to the other; and thus the party which resorted to the direct interposition of the people has prevailed; and the mock democracy becomes the democracy of numbers. Fraud and violence have thus been introduced into our elections and have signally triumphed. And the Government of the United States, called to interpose for the preservation of the laws and of order, refuses its aid, affects a great abhorrence at interfering in the political divisions of the people in the States, and thus gives its real aid and support to fraud and violence against order and law. But a precedent is established by which, in the event of a servile insurrection, all aid to suppress it may be explicitly refused by the General Government and by all the free States.

After some small business, Cambreleng moved to take up his motion to refer to a select committee the part of the message relating to the defalcation of Samuel Swartwout, late Collector of the Customs at New York.

Wise moved to refer it to a committee of the whole on the state of the Union, and commenced a speech, in the midst of which he gave way to a motion to adjourn; which was carried about half-past three.

20th. At the House, Mr. Wise claimed the floor, on the

ground that he had it yesterday until the adjournment of the House; but the Speaker decided that the petitions must first be called. Wise moved a suspension of the rules, and for the yeas and nays—both of which were refused. The call for petitions was still upon Massachusetts, and, all the other members of the delegation having presented theirs, I now presented mine. I began with the memorial of James Edmonston and the stonecutters and bricklayers, workmen on the public buildings, praying to be indemnified for the loss of their time during the suspension of their labors last spring by order of the Committee on the Public Buildings. I said I did not know why the Commissioner of the Public Buildings had not paid them their full wages without requiring any action of Congress to authorize him to do them mere justice. I had thought of moving a simple resolution directing the Commissioner to pay them in full for their lost time.

Mr. Lincoln, Chairman of the committee, then said that he had been directed by the committee to offer a resolution for the payment of these men; upon which I moved the reference of this memorial to that committee.

I presented several petitions for widows' pensions, and called up others on the files; also two long memorials for the establishment of scientific institutions; which were referred to the Smithsonian Committee.

I finally presented fifty abolition and anti-slavery petitions and memorials; all of which were laid on the table, excepting three praying for the recognition of the republic of Hayti—all of which but one were referred to the Committee of Foreign Affairs. Several of the abolition petitions contained a prayer that the petition should be referred to a select committee, before whom the petitioners might be heard by themselves or by counsel; and I moved that so much of the petitions should be granted.

The Speaker decided that by the resolution of the 12th instant, requiring that all abolition petitions should, on presentation, be laid on the table and no further action of the House had thereon, my motion was not in order.

From this decision I appealed, insisting that the prayer to

be heard was a distinct and separate petition, which might be granted, and yet that all the other prayers might be laid on the table. I referred to the precedent of yesterday, when so much of a petition as prayed for the recognition of Hayti was referred to the Committee of Foreign Affairs, although mingled up with sundry abolition prayers which were laid on the table. I asked and barely obtained the yeas and nays, and the decision of the Speaker was affirmed—one hundred and eighty to eight—most of my colleagues deserting me on this question. When I presented the first of the petitions for the acknowledgment of the republic of Hayti, I moved it should be referred to the Committee of Foreign Relations, with instructions to consider and report thereon; assigning as my reason for the instructions the argument used by Howard, the Chairman of the committee, yesterday, that similar petitions had heretofore been referred to that committee and were never heard of again, and adding that it would be so now. I said it was this fact that former petitions had been so treated, which was true, and the sort of pledge given by the Chairman of the committee, that these petitions should be so treated—— Cushman, who was sitting two rows behind me, here said, so loud that I heard him, "That insinuation should not be made against a gentleman;" on which I turned to him and said, "I shall make what insinuation I please;" and then, turning again to the Speaker, said, "This is not an insinuation, but a direct, positive assertion." Haynes then made a point of order; and the Speaker said, as the petition occasioned debate, it must lie over one day; upon which I withdrew the motion for instructions, and the petition was referred.

I afterwards presented another petition, and moved the instructions again, to lie over a day for debate, telling Howard that I would give him an assortment, with and without instructions. Among the petitions that I presented were four abolitionist from Ohio County, Virginia, and one signed by W. Cowperthwait and two hundred and twenty citizens of Philadelphia to rescind the gag-resolution. All laid on the table.

Slade presented a petition for the recognition of Hayti, and

moved its reference to the Committee of Foreign Affairs, with instructions to bring in a bill; which was laid over for debate.

The call for petitions went through the States and Territories entire, and the House adjourned after four o'clock.

21st. H. R. U. S. Cushing moved an amendment to the journal, stating that on his presenting a petition, which was laid on the table, under the gag-resolution, he had protested that in submitting to this application of the resolution he yielded, not to right, but to power, conceiving the resolution unconstitutional, null and void—which protest he moved to have entered on the journal; but the Speaker decided the motion was not in order. Dromgoole and Howard, alarmed at this proposition, made an attempt to suppress it altogether. I had thus recorded, by a motion to amend the journal, my protest against the gag-resolutions of the last Congress, and shown that the rejection of the motion as effectually secures the record of the protest as its adoption. Dromgoole insisted that something should be done to prevent this record of contumacy; and Howard proposed that when the journal of this day should be read to-morrow morning, the entry of Cushing's motion should be struck out.

I said that would not be sufficient for the purpose of suppression, for the motion to strike out must itself show what was to be stricken out, and the protest must be recorded even in the motion to erase it.

Wise said if they were going to adopt the Bentonian process of expunging, he, for one, would go for the gentleman from Massachusetts.

Dromgoole said he saw there was a difficulty in the case, but that it ought not so to be.

The question upon the motion was taken by yeas and nays, and the amendment was rejected—fourteen to one hundred and seventy-four; but the protest stands, of course, upon the record.

After this, and some discussion between Cambreleng and Wise, reports from committees were called. Cambreleng reported sundry bills from the Committee of Ways and Means, after Buchanan, from the Committee of Elections, had reported on the contested election of the delegate for the Territory of

Wisconsin, concluding with a resolution that James Duane Doty is entitled to the seat, and that George W. Jones is not. The case is so perfectly clear that, as the delegate has no vote, the report of the committee is consistent with common sense. There was not so much as a colorable pretence for claiming the seat; but the logic of both the reports of the committee on the Mississippi elections was in his favor. The consideration of the report was, at his request, postponed, and made the special order of the day for next Thursday.

Cambreleng's resolution for a select committee of enquiry concerning Swartwout's defalcation, with Garland's amendment extending the enquiry and proposing the choice of the committee by ballot, and Wise's amendment to refer the whole subject to the committee of the whole on the state of the Union, came up. Wise resumed his argument left unfinished the day before yesterday, and spoke six hours without interruption. The speech was the most powerful and unanswerable attack upon the Administration, and especially upon the Secretary of the Treasury, that has ever been made in Congress; and as he passed from charge to charge, he supported every imputation by the documents from the Treasury Department itself. So utterly callous to the grossest and rankest abuses have the supporters of this Administration become, that when Wise began, four-fifths of them left the House, and did not return. And as soon as Wise sat down, previous-question Cushman rose and moved the appointment of a committee of enrolled bills.

22d. I found myself, immediately after the reading of the journal, unexpectedly engaged in debate. The Speaker said that, before the call for petitions, the question laid over upon the petition for the recognition of the republic of Hayti—that it should be referred to the Committee of Foreign Affairs, with instructions to consider and report thereon—was now open for consideration.

Dromgoole moved a division of the question—first on the reference, and then upon the instructions. The question of reference was carried without a division, and I assigned my reasons for moving the instructions, which were, the fact stated

by the Chairman of the committee, Howard, which I knew to be true, that similar petitions had been heretofore referred to that committee and were never heard of again; and the pledge given by him, that if the House would refer these petitions to that committee they would share the same fate. I urged the duty of committees to report on subjects referred to them by the House, as a duty to the House, to the petitioners, and to the country. I said I took it for granted there would be no reason assigned by the Chairman of the committee for resisting the motion for instructions or withholding a report. The answer would be the previous question or the laying on the table. I must, therefore, infer that the reasons for not reporting would be the same as those given by a member of the committee (Mr. Legaré), two days ago, for refusing to receive the petition. I then took up and refuted Legaré's argument, but was soon called to order by the Speaker, and by sundry Southern members. I was perfectly in order, and therefore persevered till Bynum objected to my being permitted to proceed. Upon which Briggs moved that I might proceed *in order*. The question was taken by yeas and nays, and the vote was one hundred and fourteen to forty-seven that I might proceed.

The Speaker said, "The leave to proceed is granted;" to which I replied, "Mr. Speaker, I have not asked leave to proceed." But I did proceed, and said, "The gentleman from South Carolina so familiar with Hatsell knows, and will not deny, that what by direct reference may be not in order is altogether parliamentary when stated hypothetically. So I will suppose that the committee should have the same reasons for neglecting to report that he had assigned for refusing to receive the petitions, and I contend that they are not good and sufficient reasons." And then I dissected and pulverized his whole argument. When I first assailed it, he was not there. He came in while I was in the midst of the analysis, and after I had finished he came to my seat, and said he regretted he had been absent, and had not had the remotest suspicion that the question would come on this day.

I told him it had been equally unexpected to me. Howard was not there, but Bynum answered me in a tempest of fury.

Bynum is a member of the committee, and a spitfire Democrat. He is a small, thin man, with a perpetual agony in his face, a dark brow, a livid complexion, a haggard look, a ghastly smile, and when he speaks his face is distorted with convulsion. His discourse is one uniform growl of invective upon federalists, the bank, Loco-focos, old women, and priests. But he is a favorite orator of the party. Bynum was time after time called to order by the Speaker, of which he complained bitterly, but vented all his gall. He speaks always in a menacing tone, and pointed at me with his finger, and looked as if he would eat me, the whole time he was speaking.

Bouldin made a feeble, timid, faltering speech in favor of my motion, for which he said he should vote; but Campbell, of South Carolina, moved to lay the motion on the table; and it was carried, by yeas and nays—one hundred and ten to forty-six. Bouldin did not vote, nor did Parmenter. No other business of any consequence was done.

23d. I read the second and part of the third chapter of Gleig's History of the Bible, and found with no small surprise that he seriously argues that the narrative of the fall from Paradise, in the Book of Genesis, must be taken in a literal sense; that there was a garden, a tree of knowledge, a tree of life, and a talking serpent; that the fruit of the tree of knowledge was an apple; and that the whole race of men was accurst because their first progenitors were tempted with apples growing upon a tree, and plucked and ate them. Credat Judæus Apella! The account of Moses, I believe, is a translation into alphabetical writing of more ancient records in hieroglyphics. The trees of knowledge and of life are personified abstractions, and the serpent is the fascinating and seductive spirit. Mr. Gleig, like other theological commentators, starts strong objections to meet them with feeble answers.

25th. Morning visits from my colleagues, Reed, Hastings, and Briggs. There has been a proposal from the Kentucky delegation in the House to ours for a conference on the subject of the next Presidential election; and Cushing asked me one day last week if I would attend such a conference.

I said, no; that, from the peculiar position in which I stood,

I had since 1829 taken no part in the Presidential elections, and should take none for the remnant of my life, unless called to vote as a member of the House, in which case I should vote for the candidate favored by the majority of my constituents. I had afterwards some conversation with Mr. Reed, and advised him to suggest caution to the members of our delegation against committing themselves at all to the Kentuckians upon the subject of the Presidency. Reed, whom I met yesterday in the street, said that they had postponed for a week the conference with the Kentucky delegation. The Governor of Kentucky and the members of the delegation from that State in the House are now so deeply committed upon all the slavery questions that it is impossible to get the vote of Massachusetts for Mr. Clay; and his only chance of election is by the Southern and slave-holding interest.

I called to return the visit of Mr. Christopher Hughes, but he had departed for Baltimore. Then I visited Mr. Clay, at Boulanger's, and found him alone. He is, like myself, under deep concern at the manifestations of riotous and popular violence which have so frequently been exhibited within the last four years, for the introduction of which we consider the late President of the United States, Andrew Jackson, responsible. Mr. Clay enquired when Mr. Webster might be expected here. I said, not before some time in January, and that I had heard he had it in contemplation to resign his seat in the Senate. There is no good will lost between Mr. Clay and Webster.

26th. H. R. U. S. Cushing moved a suspension of the rules to offer a resolution granting the use of the hall next Friday evening for a lecture on the Oregon Territory; but he failed. Haynes, of Georgia, moved the House to go into committee of the whole on the state of the Union, to take up the President's message, for the distribution of its topics among the committees. Haynes had made this motion immediately after the appointment of the committees, but then failed. Objection was now made; but he moved, and carried, a suspension of the rules, and the House went into committee of the whole on the state of the Union.

The Speaker called me to the chair. Haynes moved thir-

teen resolutions, distributing the fragments of the message among the several committees, which were read at the Clerk's table; whereupon Mr. Bell, of Tennessee, rose, and, without objecting or referring to any one of the proposed resolutions, he took up and dissected the message, and commented upon many parts of it with very great severity. He complained that the House was taken by surprise in this sudden movement upon the message, and that he was quite unprepared for the discussion upon it. But he made a speech of three hours; and, as he sat down, Sergeant S. Prentiss, of Mississippi, rose, and commenced an ardent and impetuous speech against the Administration, of which he delivered, however, only the introduction. I suppose him charged with a speech of at least three hours. After announcing his purpose, he moved the committee to rise, and without opposition they rose; and I reported that the committee had had under consideration the message of the President of the United States, and had come to no resolution thereon. Upon Haynes's motion, the resolutions which he had offered in committee were ordered to be printed. Adjourned about three-quarters-past three.

I spoke to Mr. Cushing about a meeting of the delegation to prepare a communication to the Legislature of Massachusetts. He said he would confer with the other members of the delegation to fix upon a time. He said he had already written a letter to his constituents, to be published in the Lowell Courier.

27th. Yesterday morning the Speaker read a letter from John Fairfield, announcing his resignation of his seat in the House as a member of the Twenty-Fifth Congress. He is Governor elect of the State of Maine, and is gone home to be inaugurated next week. Last week a member of the House, named Albert S. White, received notice that he had been elected a Senator of the United States by the Legislature of the State of Indiana for six years from the 3d of next March. Both these men are persons of exceeding mediocrity. And, indeed, when I look upon the composition of these two bodies, the Senate and House of Representatives of the United States —the cream of the land, the culled darlings of fifteen millions,

scattered over a surface of two millions of square miles—the remarkable phenomenon that they present is the level of intellect and of morals upon which they stand; and this universal mediocrity is the basis upon which the liberties of this nation repose.

H. R. U. S. This was the day which had been fixed for the consideration of the report of the Committee of Elections on the contested seat of the delegate from the Territory of Wisconsin. But Buchanan, the Chairman of the Committee of Elections, moved to postpone it, first till next Monday, and then till Thursday, because the House was thin, and because Jones, the sitting member, desires it. Buchanan was asked whether his motion was made at the request of Jones, and answered, no. But Bronson rose and said that Jones did desire it—which Jones confirmed.

The House went into committee of the whole on the state of the Union, and Prentiss, of Mississippi, concluded, in three hours and a quarter, the speech he had begun yesterday against the President, the Secretary of the Treasury, and the Administration. He did very little more than travel over the ground preoccupied by Wise—recurred to the same acts of malversation in the subordinate officers, the same culpable connivance in the Secretary of the Treasury, and the same documents substantiating the facts. He appeared to be heard, too, with the same indifference and the same dropping off of the Administration members from their seats. When he sat down, Cushman, of New Hampshire, rose, and said he was ready to proceed; but the members around him urged him to move that the committee do rise; which he accordingly did, and which was accordingly done, and I reported, as yesterday, that the committee had come to no resolution. Governor Lincoln then made an effort to call up the joint resolution for paying the workmen on the Treasury building for the time when their work was suspended. Rencher, of North Carolina, opposed the resolution, and Legaré, of South Carolina, moved to adjourn; which, in spite of my remonstrances, was carried.

28th. Immediately after the reading of the journal this morning, Dr. Haynes moved that the House should again go

into committee of the whole on the state of the Union upon the President's message. asked him to withdraw the motion, to allow the committees to report. He refused. Wise asked him to withdraw it merely to allow him to move for the printing of two Executive documents. After some resistance, Haynes reluctantly gave way for Wise to make his motion, thinking it would not occupy five minutes of time. Wise moved that twenty thousand extra copies of Executive Documents 111 and 29 of the last session should be printed for the use of the members of the House. The first of these documents contains a list of defaulters, and the second, the correspondence of the Secretary of the Treasury with the receivers of public moneys at the land-offices, upon which Wise and Prentiss, in their recent speeches, have commented with such bitter indignation. The motion kindled in the House a flame which burnt with increasing intenseness till past four, when the House adjourned without taking the question. The Administration party were disconcerted at this sudden sally, dreading above all things the publication of the documents, and yet dreading with equal terror the responsibility of refusing it. Cambreleng at first disclaimed all opposition to the motion, but asked to add the report of the present session upon the Swartwout defalcation; to which Wise assented. Crary, of Michigan, one of the most unscrupulous Swiss mercenaries of the House, opposed the printing altogether, on the score of economy. Garland, of Virginia, moved an amendment, which Wise accepted. Loomis moved to strike out the two documents of the last session. A desultory debate followed, calling up on one side Tillinghast, Curtis, Waddy Thompson, Reed, Legaré, Christopher H. Williams, Menifee, S. S. Prentiss, Stanly, Sherrod Williams, W. Cost Johnson, Mercer, and Bond, and on the other Boon, Duncan, and Thomas, who came in, as usual, at a dead lift. There was talk of the previous question, and of laying on the table; but the Administration party were in great perplexity where to take their issue. Thomas made a desperate plunge to put it upon the detected errors of the list of defaulters in the document No. 111. Wise took this argument from him by withdrawing the call for Document 111;

upon which Thomas's last resort was to object to the number of the remainder. He was willing to print a reasonable number, but not twenty thousand. Bond moved the adjournment, called up by some snarling remarks of Boon, meant for him without naming him.

31st. I received this morning a letter postmarked and dated Montgomery, Alabama, threatening me with assassination for offering in the House the three resolutions of the House to call on the President to know whether he has called Andrew Stevenson and Captain Matthew C. Perry to account for their conspiracy against the life of Daniel O'Connell.

H. R. U. S. Haynes, of Georgia, moved to go into committee of the whole on the state of the Union upon the President's message and his resolutions. But, as this was the regular day to call the States for resolutions, he was urged from various quarters to withdraw his motion; and did so. The States and Territories were called through for resolutions, and it consumed the day. The Speaker began with Maine. When the turn of Massachusetts came, and my colleagues had offered all their resolutions, I asked the House to take up the three resolutions offered by me on the 6th of this month, which I observed had been ordered to lie over one day, which had already lasted nearly one month. The House instantly bristled with objections, and the Speaker said the resolutions must lie over, because they occasioned debate. I then moved to suspend the rule; and, to induce the House to take up my resolutions, I sent to the Clerk's table the threatening letter which I had received this morning, and asked that it might be read. It was read in a bungling manner, and it caused nothing but laughter in the House. I said I did not send the letter to found upon it, as I might, a claim of privilege, but merely to ask the House now to consider my three resolutions. Thomas started up in great agitation, and said it was a miserable quiz, and he hoped the House would not notice it. They refused to suspend the rules, and the letter was returned to me at my demand. Many of the members had clustered round the Clerk's table to inspect it. Lewis and Martin, of Alabama, and Turney, of Tennessee, came to my seat and asked to see the letter. Lewis

said Montgomery was in his district, and Martin expressed regret that it should have come from his State. Three of the reporters sent me notes, and a fourth spoke to me, asking leave to take copies of the letter for publication; to which I consented.

A multitude of other resolutions were offered, among which one by Cushman, for an amendment to the Constitution, disqualifying duellists from office; several by Mr. Cushing, concerning our relations with Great Britain; one by Wise, for a committee to enquire whether Levi Woodbury, Secretary of the Treasury, ought to be impeached—the committee to be of nine members, chosen by ballot. Cushman objected to the consideration of this resolution. W. B. Calhoun moved a resolution that the resolutions of the State Legislatures shall not be included in the gag; and S. S. Prentiss, resolutions for rescinding the resolution of the House at the last session which annulled the election in the State of Mississippi in November, 1837, when Prentiss and Word were first returned. Scarcely any of the resolutions will be discussed at the present session. Adjourned near four.

Day and Year. Blessing to God for numberless mercies, and prayer.

January 1st, 1839.—I would commence the year with fervent prayer to Almighty God that the year upon which I have now entered may be signalized with more of virtue and less of frailty and imperfection in me than any of those which have preceded it; for health, for honest purposes, for progress in moral and intellectual improvement, for worldly prosperity, and for tranquillity and peace of mind. I supplicate the Giver of all good for myself and all my family; above all, for the purification of my own character, and a growing preparation for a better world, as I am drawing to the close of this.

We had a great number of morning visitors—members of Congress, foreign Ministers, and others—men and women, and some children. I paid myself a visit to Mrs. Madison and to Mr. and Mrs. Matthew St. Clair Clarke, to which he had invited me last evening at Mr. Gales's. They have taken up

their residence in a magnificent house, next door to St. John's Church, which he has been these two years building, and which is yet unfinished. It is, according to an old adage, a house from which to run away.

With the mail this evening I received a memorial and petition, signed by Origen Bacheler, Corresponding Secretary of the New York Peace Society, Orville Dewey, and three hundred and ninety-two men, Mrs. Bacheler and one hundred and two women, praying for national arbitrations, a Congress of nations, and an offer of mediation from the United States between France and Mexico. The memorial contains some argument in reply to Mr. Legaré's report of the last session. I received also an invitation to deliver an address to the Adelphic Union Society of Williams College, at Williamstown, Massachusetts, at their Commencement next summer, which invitation, and all others of the same kind, I must decline.

2d. H. R. U. S. On the reading of the journal this morning, I perceived that no notice was taken in it of the motion I had made on Monday, to suspend the rules to take up the three resolutions of enquiry which I had offered on the 6th of last month, calling on the President for information whether Andrew Stevenson, our Minister to Great Britain, had accounted, or been called to account, for conspiring against the life of Daniel O'Connell, a member of the British House of Commons; and whether Matthew C. Perry, a captain in the navy of the United States, had been called to account for his conduct in those transactions; nor of the letter threatening me with assassination for offering those resolutions, which I sent to the Clerk's table, and which was read; nor of the refusal of the House to suspend the rules, and even to grant the yeas and nays, which I requested on the motion.

The Speaker said it was not usual to enter upon the journal motions to suspend the rules which were not sustained, and upon which the yeas and nays were not taken. I said that as to the refusal of the House to adopt my motion, and even to grant me the yeas and nays, I had cheerfully acquiesced in the decisions, accustomed as I was to such treatment from the House; but in the total omission from the journal of a fact so

important in the proceedings of the House as I deemed this to be, I could not acquiesce, and must therefore move an amendment of the journal, stating the facts as they were, and must also ask for the yeas and nays on this motion.

The Speaker said I must reduce my motion to writing.

I said that, this omission having been unexpected to me, I was fearful of consuming more of the time of the House than I was willing to take by writing down my motion myself, but if the Clerk would take it down, I would tell him what to write. I went up to the Clerk's table, and the motion was written down as I directed—not without manifestations of impatience from the slavish side of the House.

When the Speaker put the question, Dixon H. Lewis rose, and said that he had examined the letter sent by me to the Clerk's table, and was convinced that it was a quiz; for that he knew no such person as the name signed to the letter, and did not believe there was any person of that name in the district.

I said I was much obliged to the gentleman from Alabama for the sensibility manifested by him on this occasion to the idea that such a letter should have come from his district. I had no fear of the execution of this threat, but had sent it to the Clerk's table to be read, hoping that it would induce the House to take up and consider my resolutions, to which it relates; for the letter was in the same spirit with the transactions upon which I proposed to call for information. They were, indeed, of a deeper dye and a baser character than the letter to me. This was a threat of assassination by one ruffian; that was a conspiracy to assassinate by four. And the gentleman from Alabama must excuse me for not considering the letter to me as a quiz. I was not in the habit of considering a written and signed threat of murder, addressed to a member of Congress for things done in the discharge of his duty, as a *quiz*. Murder and forgery were hardly called by their right names when termed a quiz. Here the Speaker stopped me, and said the question was upon a motion to amend the journal. The House again refused the yeas and nays, and the motion to amend the journal was rejected—seventy to eighty-seven. I

asked the Speaker if my motion would now appear upon the journal, and he said it would.

3d. There was a movement for the receipt of petitions, but the first thirty days of the session expired yesterday; after which, by the rules of the House, petitions are received only on the first sitting day of each week. The rule is, that for the first thirty days the first business of every morning shall be to call the States over for petitions. The practice of this session has been to call the States for petitions only once in the thirty days. The contested election for the Wisconsin Territory, which had been made the special order for this day at one o'clock, was taken up, and disposed of in less than three hours. The report of the Committee of Elections concluded with a resolution that James Duane Doty is entitled to a seat in the House as delegate from the Wisconsin Territory, and that George W. Jones is not. Thomas, of Maryland, began the debate against the report of the committee, confining himself to the first part of the resolution, and tacitly admitting that Jones had no pretensions to a seat. He was for sending both back to the people for another election. Maury, of Tennessee, a member of the Committee of Elections, said the committee had not been unanimous in their report. Cushing, a little, but not much, to my surprise, sustained Thomas in his opposition to the report; but Crary, of Michigan, and Randolph, and, above all, Richard Fletcher, of Boston, swept away, in a speech of half an hour, the sophistry of Thomas, so that the House would scarcely hear another word. Tillinghast attempted to say something further, but the call for the question was so peremptory and impatient that he forbore and sat down. De Graff, of New York, moved the previous question, which was carried, and the resolution reported by the committee was carried—one hundred and sixty-seven to twenty-five. I never saw a more decisive and instantaneous effect produced by a speech upon a deliberative assembly; and I rejoiced in congratulating Fletcher upon it, for no man in the House has been so basely treated by the servile party as Fletcher, and at one time he had almost sunk under it. Cushing did not vote upon the question. Thomas cowered under the superiority of Fletcher's

legal argument. Doty was immediately sworn, and took his seat. Jones, the ex-delegate, had disappeared. He had bought a written opinion of two lawyers in this city, Walter Jones and Francis S. Key, in favor of his right to the seat. The House forthwith adjourned.

4th. Met at half-past ten this morning, at the chamber of the Committee of Manufactures, the select committee on the Smithsonian bequest. Present, Adams, F. O. J. Smith, of Maine, Charles Ogle, of Pennsylvania, Charles Shepard, of North Carolina, John P. Kennedy, of Maryland, and James Garland, of Virginia; absent, Orrin Holt, of Connecticut, Waddy Thompson, of South Carolina, and William H. Hunter, of Ohio. I had yesterday personally notified all the members to attend this meeting, except Hunter, who was not in the House. Holt told me that he was engaged on the great land committee; and Thompson promised to come, but forgot it. The references to the committee were the two messages of the President with Documents 10 and 11 of the present session; a memorial from Charles Lewis Fleischmann, a Bavarian, but now a citizen of the United States, and attached to the Patent Office, who purposes the establishment of an agricultural institution and farm school, at the cost of about three hundred thousand dollars; a memorial of Walter R. Johnson, praying for the establishment of an institution for prosecuting experiments in certain physical sciences; and a petition from Samuel Martin, of Campbell's Station, Tennessee, who, with much other matter, prays that the Smithsonian fund may be applied to the instruction of females. I submitted also to the committee a printed paper, signed "Franklin," proposing the establishment of professorships and various courses of lectures. I read the two messages of the President and the circular of 18th July, 1838, from John Forsyth, Secretary of State, asking for opinions concerning the disposal of the fund, and stated the substance of my two letters in answer to Mr. Forsyth. I read also the Act of 1st July, 1836, accepting the bequest and pledging the faith of the United States to its application conformably to the direction of the testator.

There was some desultory conversation, and Mr. Garland

moved an adjournment till next Tuesday at ten o'clock, for a fuller meeting of the committee; which was agreed to.

H. R. U. S. Private business day. Reports from committees called. May, of Illinois, moved to suspend the rules to take up the resolution for a committee of enquiry into the defalcation of Samuel Swartwout, late Collector of Customs at New York; lost, by yeas and nays—one hundred and one to eighty-eight—not two-thirds. Thomas, of Maryland, then called for the consideration of an amendment to the rules, proposed by him, that every alternate Friday should be assigned for the passage of private bills not disputed; but, after an hour's discussion, this also was refused, and the bill for the relief of Pamela Brown, widow of General Jacob Brown, was taken up as first on the private calendar, having been postponed last Friday. The bill is a grant of five years' half-pay of the General to Mrs. Brown, on the principle of the Act of 1802, that he died by reason of the wound that he received in the campaign of 1814. This bill was most vehemently contested by the spigot-sparing, bung-outpouring economists of both parties, and by the Kinderhook ochlocracy, mainly because I favored it. Sherrod Williams made a long and inveterate speech against it; but Bronson, Taylor, and Foster, of New York, especially Foster, very strenuously supported it. I followed Foster in a short, confused, and very ill-digested speech in its favor; after which Taylor said a few words, scarcely heard for the overwhelming call for the question. The previous question was moved and carried; a call of the House; motion after motion for adjournment; repetitions of calls for yeas and nays; and every dilatory expedient was resorted to, by Williams, Duncan, and Dromgoole, who clustered together to defeat the bill, in vain. The last device was by Duncan, who (did not answer) when his name was called on the passage of the bill, but when all the names had been called through, and he had thus ascertained a large majority for the bill, demanded the call of his name, voted aye, and, when the Speaker had declared the bill passed, gave notice that he should to-morrow move a reconsideration of the vote. But Rice Garland, of Louisiana, defeated this movement by moving at once the reconsideration and the

previous question—which was carried, and the reconsideration refused, and the bill again declared to be passed. The vote in its favor was one hundred and nine to seventy-two; and the trickery to defeat the will of this majority was so dirty that Frank Thomas, the ablest and bitterest man among them, disclaimed it.

Mr. Morgan, of Virginia, introduced to me Mr. Mahand, of Monongalia, in that State, as, he said, a political friend of mine, who told me that he had never seen me but once before, and that was at a drawing-room at Mr. Monroe's, when he heard a conversation between C. F. Mercer and me, in which I spoke in strong terms against the law which he was then urging through Congress, making the African slave-trade piracy. Alexander Smyth, afterwards, as an electioneering engine against me, charged me with being in favor of the African slave-trade, and applied to Mercer for a certificate of what I said in that conversation, to support the charge. But Mercer refused him. Mr. Mahand this day told me that Smyth, through his colleague Jackson, had applied also to him for a certificate that he had heard me in that conversation speak in favor of the African slave-trade; that he had also refused the certificate, and had told Mr. Jackson what he had heard me to say, and it was in strong disapprobation of the Act making it punishable with death, as piracy. Mr. Mahand is now a member of the Legislature of Virginia, and said that, having always been politically my friend, he had asked Mr. Morgan to introduce him to me, as it might be the last time he should ever have the opportunity to see me.

5th. I rode to the Capitol shortly before the meeting of the House, to make arrangements for keeping minutes of the proceedings of the Smithsonian Bequest Committee—a work with which I proceed with a heavy heart, from a presentiment that this noble and most munificent donation will be filtered to nothing, and wasted upon hungry and worthless political jackals.

The only business accomplished in the House this day was the settlement of the question that George W. Jones, the ex-delegate of the Wisconsin Territory, should receive his pay for mileage and attendance until the decision of the House against him.

Samson Mason, of Ohio, after a suspension of the rules, offered a resolution that Jones was *not* entitled to pay for his travel and per diem wages; and supported it by a plausible speech. He was sustained by his new colleague—who comes in the place of Elisha Whittlesey, resigned—Giddings, and opposed by Thomas, John Calhoun, Pope, who moved the previous question, but withdrew it at the request of Biddle, who not only took the same side, but spoke with harsh disapprobation of the decision of the House against Jones, intimating that if *he* had been present the House would have been wiser. Jones had taken time by the forelock, and got a check for his pay without waiting for the decision of the House. Upon hearing of which, Giddings wrote him a note informing him that he should make a question in the House upon his right to pay. Whereupon Jones returned the check to the Sergeant-at-Arms. The House decided by yeas and nays—eighty-nine to ninety-six—against Mason's negative resolution, which the Speaker declared he should consider as equivalent to a decision that Mr. Jones was so entitled. Thomas moved a suspension of the rules to enable him to offer a resolution instructing the Committee on the Judiciary to enquire into the expediency of enacting a law limiting the time of any delegate from a Territory under any one election to serve only during the term of one Congress. But the House refused.

Just after dinner I had a long visit from Dr. Chapin, the President of the Columbian College, who came to ascertain if the college could obtain any assistance from the Smithsonian fund. His wish seemed to be that the Government should take the college under its own charge, as an appendage to the Smithsonian Institution. I said that, without knowing what were the views of others, mine were that no part of the Smithsonian fund should be applied to any school, college, university, or seminary of education; but that equal care would be taken to avoid doing any injury whatever to any such institution. He said the condition of the college at present was such that unless it could receive assistance from some quarter it must go down and its concerns must be closed. They had been several years struggling to raise a subscription from the Baptists throughout

the United States to pay the debt of the college; but in accomplishing this they had failed. There had been a project for transferring the whole concern to Richmond, Virginia, where there was already a flourishing Baptist school; but the principal difficulty in the way of that was that it might forfeit the subscriptions which they had obtained to pay the debts here.

I said that if the Faculty thought there was any prospect of their obtaining anything from the Smithsonian fund, they might apply to the President of the United States, or to any other member of the committee; and if there should be any disposition in Congress to aid the college from the fund, I would immediately withdraw from the committee and leave the whole arrangement to be made by others. As I deprecated above all things the application of the funds to purposes for the benefit of individuals, I had determined at least to be disinterested myself, and would in no shape or form receive one dollar of the fund to myself. And as the principal debt of the Columbian College was to me, I could be instrumental to no arrangement which would result in the payment of the college debt from the Smithsonian fund.

He said he had conversed with Professor Ruggles on the subject. They were aware that there was some delicacy in my position with regard to the college debt; but they had ample means for the payment of their debt, as preliminary to their receiving any assistance from the Government.

I said that, at all events, it was a subject in which I could have no agency, though if they should obtain encouragement to their wishes from the President, or in Congress, I would cheerfully withdraw from the committee.

The Doctor asked if I should be willing to receive any further communication from him upon the subject.

I said, certainly, with pleasure, and with the best disposition to do anything useful to the college in my power. I gave him printed copies of the two messages of the President to the Congress on this subject at the present session.

6th. Morning service at the Presbyterian Church. Heard Mr. Dwight, a missionary recently arrived from Constantinople, and who visited me with Mr. Noble, one of the Presbyterian

clergymen of this city, on the New Year's day. His text was from Matthew xiii. 38: "The field is the world." And the discourse, urgently mendicant, was a narrative of his experiences as a missionary. He went from this country in 1830, and has been eight years laboring faithfully in his vocation, and, as he thinks, with encouraging success. But his account of the several classes of population of the Turkish Empire was a melancholy picture. They consist of Turks, Greeks, Armenians, and Jews; of whom the Armenians are the best and the Jews the worst. The success of the missionaries was confined entirely to the Armenians, and amounted only to the conversion of some of them from the Greek Church to evangelical Christianity, or Presbyterianism. He spoke of the Turks as a fair, open-hearted, hospitable, but desperately cruel people—the cruelty being a part of their religion taught in the Koran. Among the achievements of the missionaries there was one seemingly strange. It was a translation of the Koran into modern Greek, to circulate among the people and show them the absurd abominations that it contains. Upon the whole, what I gathered from the sermon was, that the sum total of accomplishment by the missionaries in the Ottoman Empire is the conversion of a small number of Armenian Christians of the Greek Church into Christians of the Presbyterian Church. For as to the Turks, apostasy from the faith of the Koran is death; and this law is inexorably executed to this day. And as to the Jews, their hatred of all Christians is rancorous beyond conception; and the account of the Greeks was nearly as unfavorable. Now, as to contributions of money to convert Armenian Christians to the Presbyterian creed to enlighten their ignorance, there is in the last Emancipator a letter from Gerrit Smith about two slaves escaped from a plantation in Virginia—who were at his house on their way to Canada—one forty-nine years old, and the other about thirty-five, the latter of whom had never been in a house of public worship, and never had heard of Jesus Christ. This is the fate of millions of natives of our own country, and we are spunged for contributions to teach Armenian Christians evangelical Presbyterianism.

7th. Mr. Slade moved to take up his pending resolution for the recognition of Hayti; but the House refused. The Speaker called over the Territories and States for petitions, beginning with Iowa. There were very few petitions excepting those relating to the abolition of slavery and the slave-trade, and although there were great numbers of these, the members who presented them manifested not the slightest interest in them, with the exception of Mr. Slade, who had very few, and Edward Curtis, of New York, who, in presenting a petition from that city, said that the first signer to it was William Cullen Bryant. Of the other members charged with these petitions, some sent all they had to the Clerk's table at once, others mumbled over the names of the first petitioner and their numbers in a low, indistinct voice, so as not to be heard, and all showed the most perfect indifference to their fate. I presented myself one hundred petitions, ninety-five of which were directly or indirectly upon the slavery topics. I named in every case the first signer, the place and State from which the petition came, and the number of signers to it. The petitions varied much in their language, many of them avoiding direct allusion to slavery, but praying for rights, and liberties, and grievances, and the Declaration of Independence; but the Speaker decided they must all go on the table by the general order of the Atherton gag. The petitions were referred to the Committee of Foreign Affairs, and in each case I moved instructions that they should consider and report thereon.

Dromgoole always moved a division of the question; the reference to the committee was carried, and the instructions refused. The petitions for the recognition of the republic of Hayti were treated in the same manner. There was one petition of John Stevenson and forty-six others, ironical and bitterly sarcastic, the whole of which I read. Dromgoole objected to its being received, as disrespectful to the House; and the House refused to receive it, by yeas and nays—twenty-four to a hundred and seventeen. I moved that, to show what it was that the House refused to receive, it should be entered on the journal. The Speaker said it was not in possession of the House, and therefore could not be entered on the journal.

I then moved that it should be printed. The Speaker said it would not be in order.

There was a petition from the State of Maine, with seven distinct prayers, five of which were the slavery interdicts, then for the recognition of Hayti, and then to rescind the gag. As this was the whole of the petition, I read it. Before I had finished it, Virgil D. Parris enquired of the Speaker if it was in order to read the petition. The Speaker said it was not, and had been so repeatedly decided. I insisted that I was only making a brief statement of its contents, and read it through. I moved the reference to committees of the prayers to recognize Hayti and to rescind the gag; but the House refused both, and laid the whole on the table. I was about an hour and a half in delivering all my petitions. There was one from William Lloyd Garrison and sundry inhabitants of Boston, praying for the removal of the seat of government to some place north of the Potomac, where the Declaration of Independence is not considered as a mere rhetorical flourish. I alluded to a petition from the inhabitants of Georgetown, presented at the last session, praying to be re-ceded to the State of Maryland, and moved that Garrison's petition should be referred to a select committee with instructions to enquire and report to the House their opinion of the constitutional power of Congress to remove the seat of government and to re-cede to the States of Virginia and Maryland their respective portions of the territory of the District. I said it was a grave and serious question, and, if Congress had the power, this petition was an offer of compromise as a substitute for the abolition of slavery in the District, which deserved to be considered. But they laid the petition on the table. After I finished, the States of New Hampshire and Maine were called, and then a few straggling petitions from members who had been absent from their seats when their States were called.

8th. At ten I met the Smithsonian Bequest Committee. Present, Adams, Smith, Charles Shepard, Thompson, Ogle, Holt, and Kennedy; absent, Garland, of Virginia, and Hunter, of Ohio. There was more desultory conversation, and some question made as to a boasting passage or two in one of Mr. Rush's

letters, that he had avoided giving too much publicity to the notice for illegitimate children of James Hungerford, the first devisee of the whole property. Rush has been bitterly assailed in the Gazette of the United States for this, and Thompson expressed some suspicion of unfairness in the transaction, which would vitiate the whole procedure, and so taint it that he would not consent under it to take a dollar of the money. But the decree of the Master of the Rolls was read; and the report of the Master, to whom it had been referred, explicitly and positively declared that Hungerford died without issue, legitimate or illegitimate; and Mr. Thompson waived all objection to further proceeding.

The Chairman of the committee was instructed to move in the House that the memorial of Charles Lewis Fleischmann, presented at this session and referred to this committee, should be printed, and the drawings accompanying it lithographed for the use of the House; and also to prepare a bill vesting the whole Smithsonian fund in the Treasury of the United States, pledging their faith to be responsible for it, and for the payment of the yearly interest upon it at six per cent. Adjourned to next Tuesday.

9th. After the reports of the committees, the resolution for appointing a select committee of investigation on the Swartwout defalcations was resumed. The question was on the words "by ballot," in favor of which Mr. Bond finished his speech, and Taylor, of New York, replied. After an abortive attempt by Underwood to raise the previous question, Thomas took the floor, and by a fervid appeal to all the party passions in support of the appointment by the Speaker, finally closed by moving to strike out "by ballot" and insert "vivâ voce." His argument was for one thing, his motion for another. There is always indirection in the movements of Thomas. Legaré obtained the floor, and, it being past four, moved to adjourn; which was carried.

I received at the House's post-office this morning a second letter signed B. J. Convuld, dated the 7th instant, at Cumberland, and postmarked there the same day, declaring that the writer had not been able to reach this place by the 2d of this month,

as he had promised in his former letter, because the Ohio had been obstructed by ice; that he was detained at Cumberland by a severe attack of rheumatism, but would be here on or before the 15th, and repeats the threat of shooting me in the presence of the House, or in the street. The signature is the same as that of the former letter, the handwriting of the letter itself different, and not so affectedly illiterate. I showed the letter to Briggs and one or two other members of the Massachusetts delegation, who thought of sending a trusty person to Cumberland to see if this Sbirro cannot be detected. But I had no confidence in this measure, and thought it not proper for me to take part in it.

The members of the Massachusetts delegation had a meeting, and concluded to send a messenger to Cumberland to ascertain if such a person is, or has been recently, there, as the writer of the letter to me signed B. J. Convuld, and if it can be ascertained at the post-office by whom, and when, the letter to me from that place was mailed. I gave both the letters to Mr. Hastings.

14th. *Monday.*—H. R. U. S. Harlan moves to take up the resolution for appointing a committee to investigate the Swartwout defalcation; lost. The States called for resolutions, beginning with Iowa. Sherrod Williams offers resolutions reflecting upon the waste of time by Congress. Maclure moves to lay the resolutions on the table. I raised the question of consideration upon the precedent of last week, refusing to receive a petition presented by me as disrespectful to the House; yeas and nays —consideration *now* refused—sixty-six to ninety-three.

Elmore offers anti-abolition amendments to resolutions offered last week by C. Cushing. Not in order as amendment. Elmore withdraws, and then offers them as resolutions. I enquired if they were not included in the resolutions of 12th December. The Speaker takes time to decide, and the resolutions lie over.

Wise reads a letter from Lieutenant C. J. Hunter, and moves a call on the Department of the Navy for documents affecting Commodore Elliot. Rule suspended and resolution adopted. Curtis's resolution for printing two additional defalcations

passed without opposition. Cushing presented resolutions concerning the distribution of public lands; referred to the select committee. Lincoln calls for information of the payment of debts from Boston banks. My short resolution adopted without opposition; also the petition of Anne Royall for a pension, referred to the Committee on Revolutionary Pensions. I asked the Clerk for copies of the La Fayette and Smithsonian joint resolutions.

15th. Meeting of the Smithsonian Committee. Present, Adams, Thompson, Kennedy, Hunter. No quorum. Thompson made objections to Mr. Rush's proceedings to recover the fund. The joint resolution constituting a joint committee supersedes the authority of the separate committee of the House.

H. R. U. S. Reports from committees. Cambreleng, from the Committee of Ways and Means, moved that they be discharged from the consideration of a letter to him from the Secretary of the Treasury, with a report from the First Comptroller, calling for an explanatory Act of Congress to settle numerous questions of duties under the Compromise Revenue Act of February, 1833; and to refer it to the Committee of Manufactures.

I objected to this motion, and it was withdrawn.

Reports of committees absorbed the hour. Connor in the Speaker's chair. Question upon the appointment of the Swartwout defalcation committee—Legaré, Cushing, Cushman, Hoffman, Thomas, Menifee, Prentiss, of Mississippi. Cushing's speech replied to remarks of Robertson upon the Speaker's appointment of him (Cushing) a member of the select Public Land Committee. Underwood. Gratiot's defalcation. Underwood expatiates on the amendment of the Constitution proposed by him, and moves an adjournment at half-past four; carried.

17th. Met the Committee of Manufactures. Present, Adams, Elmore, Vail, Naylor, Hunter, Tillinghast. Chairman instructed to report a bill granting authority to Francis Gage to import the iron materials for an iron vessel for ocean navigation, and to the Apalachicola Joint Stock Company to import the materials for four iron steamboats; and to ask to be discharged from the

further consideration of the petition of William Colgate and others, praying for a duty upon starch, and that it be referred to the committee of the whole on the state of the Union, who have referred to them the bill reported at the last session to impose such a duty.

Howard, from the Committee of Foreign Affairs, moved to reprint Legaré's report of the last session upon the petitions for a Congress of nations. I moved as an amendment that the memorial of Origen Bacheler and others, referred at this session, and discussing the last year's report of the committee, should be printed with the report, and all recommitted to the committee. After some discussion with Howard, Legaré, and Cushing, I withdrew the motion to recommit, and Petriken moved, and carried—sixty-eight to fifty-seven—the previous question, which cut off my motion to print Origen Bacheler's memorial.

Order of the day. Duncan took three hours and a half to conclude his furious speech. He was immediately taken up and severely castigated by Stanly, of North Carolina. Then some warm debate. A question between Wise and the Speaker upon the question if "vivâ voce," as amendment to the amendment "by ballot," was in order—Wise insisting that it changed a rule of the House, and therefore could not be moved without one day's notice. Wise appealed from the decision of the Speaker. Linn Banks explained the practice in the Virginia House of Delegates, to which W. Cost Johnson replied. Kennedy. Motions to call the House, to adjourn, and for the previous question, lost. Cambreleng finally moves vivâ voce for taking first the question upon Wise's amendment "by ballot;" carried—one hundred and thirteen to one hundred and five. Then motion to adjourn—lost. Ballot commences for the nine members at once; six chosen at the first ballot—Harlan, Curtis, Wise, Smith, Dawson, Elmore. At the second ballot, the other three—Hopkins, Hubley, and Cushman. Adjourned at eleven P.M.

18th. H. R. U. S. Correction of the journal upon the statement of the petitions for the importation of iron free of duty for ship-building. Elmore asks to be excused from serving on the investigating committee, because he considers himself as too

independent and impartial. After a debate of an hour and a half, he is excused. Then Cushman asks to be excused, because he is a particular friend of the Secretary of the Treasury, and because of the multitude of his duties on the Committee of Commerce. After an hour's debate, he is excused. Then Hubley asks to be excused, because he cannot attend the committee, and because he was not chosen by the votes of his friends. While the yeas and nays were taking, it was circulated that he had received an appointment in Pennsylvania; whereupon about twenty members changed their votes. Excused. Then a motion to ballot again immediately to fill up the three vacancies. Crary moves to postpone till to-morrow. Yeas and nays called, and Crary withdraws his motion. Call of the House ordered, and then superseded. Second ballot. Martin, of Alabama, Wagener, and Taylor, of New York, were chosen. Taylor asked to be excused, but declined to give his *reasons now*, and moved an adjournment to give them to-morrow.

19th. v. 15. *Saturday.*—H. R. U. S. Taylor assigns his reasons for asking to be excused. His incompetency, because he is a doctor, and not a lawyer. Hiram Gray supports his colleague in a long and fervent speech. Hot debate. Wise, Prentiss, Eli Moore. Yeas and nays—one hundred and two to one hundred and two. Speaker decides in favor of excusing him. Then Wagener asks to be excused, because he was not chosen by the votes of his own party. Eli Moore says that no Democrat will serve upon the committee unless chosen by the Democracy of the House, or he would be a traitor to his party. Bynum and Wise. Jenifer, Bynum, and Stanly. Heat. W. Cost Johnson, after a speech, moves the previous question; carried. Wagener is not excused—one hundred and five to one hundred and two. Then Martin claims to be excused, being already a member of two committees. Mias excuses himself; but not without making a speech. Two vacancies to be filled. Hunter, of Ohio, moved a reconsideration of the vote refusing to excuse Wagener. Not *now* in order. Ballot to supply the places of Taylor and Martin. Two hundred and one ballots. Owens has one hundred and three; Foster, one

hundred and one; Hamer, ninety; Thomas, eighty-four. The Democracy of the House, as Eli Moore calls them, wanted Hamer and Thomas, a pair of County Court pettifoggers, but could not carry the votes (by ballot) of their own party. Thomas had ninety, and Hamer eighty-four votes. One ticket had three names upon it, and the tellers rejected it as a blank, and were sustained by the Speaker.

Toucey said to me that the decision of the Speaker was wrong, for it should have counted as a ticket, making the whole number two hundred and two, in which case Foster would not have had a majority, and would not have been chosen.

Hunter, of Ohio, renewed his motion to reconsider the vote refusing to excuse Wagener. Sherrod Williams moved the previous question. Evans moved to lay the motion on the table. Dromgoole, and afterwards Duncan, moved to adjourn, and for a call of the House, and for yeas and nays, and for tellers; all which were refused, and Hunter's motion to reconsider was laid on the table—one hundred and three to sixty-six.

Wise then asked leave to offer a resolution authorizing the committee to employ a clerk, a printer to print necessary papers, to go to New York or elsewhere, if necessary, and the members to be absent from the service of the House till they make their report.

Beatty and Haynes objected.

Wise moved a suspension of the rules; and it was carried —one hundred and twelve to thirty-two. On the resolution, Harlan moved the previous question; and it was carried, and the yeas and nays refused. The resolution was carried. Petriken voted for it; moved a reconsideration, withdrew his motion, and gave notice that he would move it on Monday. Wise immediately moved it himself, called the previous question himself, and carried it; and the reconsideration was rejected. Adjourned about eight o'clock.

21st. v. *Monday*.—H. R. U. S. Petition day. I asked leave to make a statement; granted—one hundred and seventeen to fifty-eight. The Clerk first counted one hundred and fifteen to fifty-eight—mistake corrected. Made my statement, and

presented one hundred and seventy-five petitions. Vermont. Resolutions. Debate. Adjourned at four.

23d. My statement made on Monday is in the Intelligencer of this morning, with a list of petitions, from one hundred and sixty to three hundred and thirty-six. H. R. U. S. Petriken moved a reconsideration of the vote of yesterday to lay the Land Graduation bill from the Senate on the table. Haynes moved to suspend the rules for a motion to go into committee of the whole on the state of the Union upon the President's message—one hundred and one to fifty-three; not two-thirds.

24th. v. 30. *Thursday.*—Committee of Manufactures. Adams, Slade, Vail. Edward Cook addressed the committee on the petition for a duty of twenty-five per cent. ad valorem on pins; and the Chairman was instructed to report a section to that effect as an amendment to the bill for laying a duty upon starch; also a section authorizing John Calhoun to import, free of duty, iron for four steamboats, and to ask to be discharged from the consideration of the resolution offered by O. Titus, and move its reference to the Committee of Ways and Means. H. R. U. S. Clowney, from the Committee on the Expenditures of the War Department, reported a resolution to demand payment of eight hundred dollars allowed by the present Secretary of War to Samuel Lewis for copying—extra service in that Department in 1818; and, if he does not repay, that the Attorney-General be directed to commence a suit to recover the money. Debate thereon. McKay opposes the report. Clowney's speech. Everett moves to recommit the report. I made a few remarks in support of this motion, in the midst of which Howard calls for the orders of the day.

The House went into committee of the whole House on the state of the Union on the message of P. U. S. and Haynes's thirteen resolutions. I was Chairman. Some question of order. Cushing wanted to make a speech on the resolution of reference to the Committee of Foreign Affairs, but was not ready. He asked to have that resolution laid aside and the next taken up. But Howard objected, and it was required by the rules to proceed first with the resolutions in their order. Ten of the resolutions were adopted, the eleventh rejected. Everett made

speeches on that relating to Indian Affairs, and that relating to the Post Office, but without moving any amendment. Samson Mason made a speech on the decision of the Supreme Court in favor of Stockton and Stokes, and Crary, of Michigan, commenced a speech in answer to him and to Bell. The committee rose about four o'clock, and I reported the ten resolutions adopted by the committee; which were immediately passed by the House. I reported the rejection of the eleventh resolution; but the Speaker said that was not necessary. Adjourned.

25th. H. R. U. S. Further debate on the resolution reported by Clowney from the Committee on the Expenditures of the War Department. I finished my remarks. Mr. Lewis had called me out to thank me for what I had said yesterday, and to ask my aid again this day. moved to lay the report on the table; which was done. Cushman moved to discharge the committee of the whole on the Union from the Light-house bill and refer it back to the Committee of Commerce. I enquired why. He said the committee had received other applications for light-houses, and wished to amend their bill. Objection was made to the recommitment, and it was observed that the committee might offer any amendment to their bill and have it referred to the same committee of the whole which have the bill for consideration. I said, after what had been said by the Chairman of the Committee of Commerce, I trusted his object was not to take the bill from the committee of the whole to suppress it.

Cambreleng complained of the enormous expense of the light-house establishment; said that more than one million two hundred thousand dollars had been expended upon it within the last two years, and that their cost in the four or five last exceeded the amount of all that had been spent before upon them since the existence of the Government. The committee of the whole were discharged from the consideration of the bill. Private business was taken up, after an amendment to the rules, proposed by F. Thomas, had been adopted, that on the first and fourth Friday of every month the House will take up private bills only which occasion no debate, postponing

all others. The House went three times into committee of the whole, McKennan, Ingham, and Dromgoole successively in the chair, and swept off a hundred and fifty-two private bills from the calendar, all of which were in the House ordered to be engrossed for a third reading to-morrow; among them were the bills for the relief of the legal representatives of William Tudor, Jr., and for the relief of Ebenezer Lobdell. An effort was made to go into committee of the whole again upon fifty bills which still remained on the calendar; but there was no quorum. A call of the House was moved, and failed, and about six the House adjourned.

26th. VI. *Saturday.*—Edward Cook's visit. Goes with me to the Capitol. Meeting of joint Smithsonian Committee. Present, Senators Robbins, Preston, Benton, Southard; of the House, Adams, Garland, Thompson, Hunter, of Ohio, Charles Shepard. Robbins presents his project. I offer three resolutions. Thompson makes a question upon the acceptance of the money, on the ground of fraud upon the English Court of Chancery in obtaining the money. Committee agree to meet on Wednesdays and Saturdays at ten o'clock; to move the House to print Mr. Robbins's papers and my resolutions, and a joint resolution authorizing the committee to employ a clerk and to print necessary papers. H. R. U. S. Call for reports from committees. I moved the printing of the papers from the joint committee, and also the joint resolution authorizing the committee to employ a clerk and to print the necessary papers; adopted without opposition. On the call of the Committee of Manufactures, I moved an amendment to Bill 862, for levying a duty on starch, to levy a duty of twenty-five per cent. ad valorem upon pins, to be moved as a second section to the bill when taken up in committee of the whole. A motion to print ten thousand copies of a report from the Committee of Ways and Means on the condition of the Treasury was debated. J. Sergeant had obtained the floor for a speech against the report, but Sergeant was arguing a cause to the Supreme Court, and a motion was made to postpone the subject till next Tuesday to accommodate him. Debate arose till the expiration of the hour, and Evans called for the orders of the day. Bills at the

third reading. Desultory debate. No quorum. Call of the House till a bare quorum is obtained. Bills passed to the third reading yesterday taken up, read by their title, and passed—among them the bill for the relief of the legal representatives of William Tudor and that for the relief of Ebenezer Lobdell. Adjourned at five. Evening at the theatre. Henry IV., abridged to three acts. Hackett's Falstaff. Murdoch, Prince Hal. Mrs. Sharpe's benefit. Pieces—"Day after the Wedding," "Dix Jours de Mariage," "The Ransom," "Adventure of President Montesquieu."

27th. Call on Mrs. Tudor. She had been informed by her grandson, Charles T. Stewart, of the passage of the bill for the relief of her son William's legal representatives through the House yesterday. Mrs. Stewart and Miss Gardiner came in from church. Mrs. and Miss Gilpin. Mrs. Stewart took me into the adjoining dining-room to enquire if it would not be well now for her mother to petition for *the outfit*. I thought it would be better for her to wait till the bill now just passed in the House shall get through the Senate. Well, she said, she had heard I should be Chairman of the Committee of Foreign Affairs at the next session of Congress. It is too far to look forward.

28th. Call to see a young man, a carpenter, who was hurt by running against one of my horses in the carriage in the rain on Saturday morning. It was a merciful Providence that he was not run over. His name is Dufief, nineteen or twenty years old, the only son of his mother, whom I saw.

Taylor's bookstore, for a copy of Bancroft's History of the United States, advertised last week. He said he had had but nine copies; all which were sold.

H. R. U. S. Haynes moved to suspend the rules for a resolution to go into committee of the whole on the state of the Union upon the President's message; rejected. Resolutions called for, beginning with Maine. I offered a resolution requiring the members of the House to produce their credentials before taking their seats, and providing that in cases of contested elections no member shall vote till the House have decided to which of the claimants the seat belongs. Debate

arises, and my resolution lies over. Everett offers a bill on the same subject. Multitudes of resolutions offered, till the adjournment, at five o'clock. Theatre. "St. Mary's Eve." Céleste the Saltatress. Excellent actress. Le Normand, La Cachuca, L'Hirondelle. A farce.

29th. H. R. U. S. Cambreleng moves to strike out a note at p. 17 from the printed report from the Committee of Ways and Means on the condition of the Treasury. R. Biddle moves an amendment, to recommit the report to strike out the numerous errors which it contains. Biddle censures very severely the report. Pickens approves the recommitment, and passes a high panegyric on the principles of the report.

30th. H. R. U. S. The Speaker read a letter from Hubley, of Pennsylvania, announcing that he has resigned his seat in the House. Mr. Haynes immediately moved to go into committee of the whole House on the state of the Union upon the message; which was carried without opposition. Crary, who had the floor, resumed his speech, and raved about two hours upon Democracy and the Jackson Administration; and, after he closed, Waddy Thompson took the floor and moved that the committee should rise; which was done; and the House adjourned.

February 6th. *Wednesday.*—Meeting of the joint Smithson Committee. I offered five resolutions against the appropriation of any part of the fund to any institute of education. Very little discussed. Mr. Robbins is to report a bill constituting a board of trustees, on commission to report a plan for the application of the fund to the next Congress.

H. R. U. S. Haynes moved again a suspension of the rules to offer a resolution to discharge the committee of the whole on the Union from the President's message, to take it up in the House; lost—seventy-five to fifty-nine; not two-thirds.

8th. v. *Friday.*—Meeting of the Massachusetts delegation—J. Davis, Adams, Borden, Briggs, Calhoun, Cushing, Fletcher, Grennell, Hastings, Parmenter, Reed. Mr. Fletcher said Colonel Thayer had seen the Secretary of War, who would recommend an appropriation of sixty-five thousand dollars for fortifications in Boston harbor. I was charged to see Cambreleng and arrange with him the manner of introducing it. I saw

him. He said Wright would introduce it as an amendment in the Army bill passed the House yesterday.

H. R. U. S. Robertson continued his speech on his resolutions offered as an amendment to W. Cost Johnson's report of the great Land Committee of twenty-six. Yell offered an amendment to the amendment. Orders of the day. Private bills. Sundry passed, others rejected. Reconsiderations moved. Notice from A. Robbins postponing till Wednesday the next meeting of the Smithson Committee, and I notified the members of the Committee of Manufactures.

9th. Committee of Manufactures—Adams, Naylor, Slade, Kennedy, Tillinghast, Elmore; absent, Biddle, Hunter, Vail. Senate bill No. 224 to be reported to the House, with an amendment. A third section, to refund duties paid on railroad fastenings. The letter from W. to B. F. Howard, praying for a repeal of the duty on cotton, three cents a pound, laid on the table. Elmore says he has no objection to the bill. Petition of T. D. Annable and others for a duty on starch. To move the discharge of the committee and reference to the committee of the whole on the Union upon the bill. Petition for a duty on ready-made sails; laid on the table. H. R. U. S. Robertson continues his speech on his resolutions concerning the public lands. Orders of the day. Private business. Rumsey's beautiful speech. I reported Senate bill 224, with the additional section.

23d. H. R. U. S. Senate bill for the armed occupation of Florida. Robertson moves to lay it on the table; lost, by yeas and nays—ninety-one to ninety-four. Orders of the day. Committee of the whole on the Union, Banks in the chair. Garland, of Virginia, makes a speech of three hours—independent, patriotic, self-defensive, conservative—against the Sub-Treasury, and against the Whigs. Followed by Underwood, full of statistics and political economy; and by Halsey, pecking at petty malversations. I left the House in session, and went and dined with Mr. and Mrs. Poinsett. Barron, N. Biddle, Bracy, an Englishman, Fox, Mr. Louis, General Macomb, and D. Webster. General Scott came in from the North while we were at table.

25th. H. R. U. S. Resolution day. Cambreleng moves to suspend the rules to receive reports of committees. I asked leave to offer three resolutions for amendments to the Constitution to abolish slavery, and a petition of John Jay and forty-three citizens of New York; but the question was put on Cambreleng's motion; the rules were suspended, the committees reported, and the House went into committee of the whole on the Union on the Civil and Diplomatic Appropriation bill. No quorum. Committee finally rise. Adjournment at one A.M.

26th. H. R. U. S. Committee of the whole on the Union, Banks in the chair. Message from P. U. S. on the Northeastern boundary. Message and documents—Howard, Waddy Thompson, Evans. Petriken moves the previous question; withdraws it. J. Q. A., Lincoln, Cushing, Pickens, J. Sergeant, Everett—previous question. Message referred to Committee of Foreign Affairs, with permission to sit during the sitting of the House. Motions to print extra copies. Harlan moves to suspend the rules, to present the Swartwout defalcation committee report—eighty-one to fifty-six; not two-thirds. Committee of the whole on the Union again. Ogle repeats his speech on the branch mints. Bynum snarls a reply. The bill reported to the House at ten P.M. Home at eleven P.M.

27th. VII. *Wednesday.*—H. R. U. S. Harlan presents the report of the Swartwout and Price defalcations committee. Owens presents the minority report. Petriken demands the reading of the whole; but compounds for a bargain—no part of them should be read. Twenty thousand copies of the report and five thousand copies of the journal to be printed. Hiland Hall presents a report from a select committee against Virginia commutation claims. All Virginia in a flame. Motion to print postponed. Civil and Diplomatic Expenditure bill passed to the third reading, and passed. Motion to meet for the rest of the session at ten A.M. daily, and to take a recess from three to half-past four. Three messages from P. U. S. Memorandum between J. Forsyth and H. S. Fox to pacify the fray between Maine and New Brunswick. Bill of appropriations to suppress Indian hostilities in Florida.

28th. H. R. U. S. Hiland Hall's report read till the expira-

tion of the morning hour. Report and bill of the Committee of Foreign Affairs. I proposed a slight amendment to the report; debate thereon. My amendment adopted. Ten thousand copies of the message, documents, report, and bill to be printed under the direction of the committee.

March 1st. H. R. U. S. Reading of Hiland Hall's report on Virginia commutation claims the first hour. Repeated attempts to suspend the reading fail. Wise insists. Second whole hour absorbed. At eleven, committee of the whole on the state of the Union. Report and bill of the Committee of Foreign Affairs on the Northeastern boundary. Quarrel. Howard. Robertson makes and withdraws an amendment. Long speech against the bill by R. Biddle. Howard answers. Evans replies. Recess. Letters to W. L. Marcy and W. Page. Evans resumes.

3d. VII. *Sunday.*—H. R. U. S. Disagreement between the two Houses on the proviso to the appropriation for printing the Biennial Register by contract to the lowest bidder. Bond moves to adhere; Rives, to recede—which takes precedence; rejected, by yeas and nays—ninety-three to eighty. Bond modifies to insist; carried. Senate insist again, and ask a conference. Civil and Diplomatic Appropriation bill. Committee of the whole on the Union, Briggs in the chair. Lincoln concludes his speech on the item of one hundred and seventy-two thousand for the Massachusetts claim. Amendment of Senate non-concurred in. Committee of the whole. Recess. Letter to Charles. Massachusetts claim rejected—eighty-three to sixty-three.

CHAPTER XX.

THE TWENTY-SIXTH CONGRESS.

March 23d, 1839.—I have determined to accept the invitation of the New York Historical Society, to deliver, if I possibly can, an address before them on the 30th of next month, the fiftieth anniversary of the inauguration of George Washington as first President of the United States. I have brought myself to this conclusion with extreme repugnance, and under a sense of obligation to that Society which I cannot repress. The subject is rugged with insurmountable difficulties. My reputation, my age, my decaying faculties, have all warned me to decline the task. Yet I cannot resist the pressing and repeated invitations of the Society. The day was a real epocha in our history; but to seize, and present in bold relief, all its peculiar characters, would require a younger hand and a brighter mind.

25th. Called on the Secretary of the Treasury at his office in the new Treasury building, with a letter from George L. Phillips, at St. Augustine, praying for the appointment of his son, John Lott Phillips, to be Surveyor of that port, an office which he supposed to be vacant. Mr. Woodbury told me that he had received also a letter from the same person, but he was mistaken; the office of the Surveyor of the port was not vacant, but that of a Supervisor, to which the appointment belonged to the Collector.

I spoke to Mr. Woodbury also of the Smithsonian fund; told him what had been done with relation to it in Congress, and what had not been done; how the two messages of the President on the subject had been referred to a select committee of nine, of which I had been the Chairman; how Asher Robbins, a Senator from Rhode Island, being laid politically on the shelf by his constituents, had taken a fancy to this fund for the

comfort and support of his old age, and projected a University, of which he was to be the Rector Magnificus. So he made an elegant literary speech in the Senate, and moved for a joint committee, seven from the Senate. The House concurred, and the Speaker appointed the same committee of nine that he had appointed before to join the committee of the Senate. There were several meetings of the joint committee; scarcely ever a quorum of the Senate's committee, but they gave carte blanche to their Chairman. He prepared his bill for nine trustees—three chosen by each House, and three by the President—to sit during the recess, and prepare a plan, to be submitted to Congress at the next session, for a corporation, of which the same trustees were to form a part. I had offered resolutions against all this, which the committee of the House adopted, and I prepared a bill conformably to my own plan. By way of compromise, it was agreed that both committees should report both bills; which was done. I never called either of them up in the House, for I knew it would be in vain. Robbins attempted to get up his bill in the Senate, but could not carry it through. I left copies of both bills, of my resolutions, and of Robbins's propositions, with Mr. Woodbury, requesting him to consider them, and inviting his views concerning them—telling him that I should, if able to take my seat at the next session of Congress, resume the subject, in which I felt an interest more intense than in anything else before that body. I told him that before leaving this place I intended to see and speak again with the President concerning it.

Mr. Woodbury promised to give his attention to the subject, and to speak of it also to the President. But he told me that in the General Appropriation bill ten thousand dollars had been taken from this fund to pay for the expenses and charges of procuring the money. Cambreleng swindled this into the bill without my knowledge, and it crept through both Houses unobserved. I shamed him out of it last year, and I believe he did it now to spite me. The Attorney-General had given an opinion against it. I am deeply mortified not to have detected this dirty trick.

26th. Continuing the view of the origin and progress of the Confederacy; and feel the necessity of measuring the terms in which I am to discourse. It is difficult to treat with decorum a political doctrine in which there is moral obliquity. Such I deem the pretension of a State sovereignty having power to annul its own contracts; which is but another form of the papal creed, that faith is not to be kept with heretics. State sovereignty is but another name for knavery, and the right of bilking its own engagements is fitter for discussion among the convicts of the penitentiary than in an assembly of honest and honorable men. But the suspension of specie payments by the banks is precisely of the same character.

27th. Continuing the review of the Articles of Confederation, and the contrast of their principles with those of the Declaration of Independence—a contrast which strikes me more forcibly the more thoroughly I examine the facts; but how shall I escape making it tedious and uninteresting, especially as I have twice or three times broached and partially exposed my views on the subject? Hours and hours of this day were consumed in turning over the History of the Confederation and the journals of the Revolutionary and Confederation Congress.

29th. Good Friday. Summer heat, excessive languor and affliction, but yet writing three pages every day for the historical disquisition to be read to the New York Historical Society on the 30th of next month. I have written matter for an hour and a half's reading, and am not yet upon the threshold of my subject. When I come to it, I fear I shall be as brief as I have been hitherto excursive. I do not yet perceive the point of view from which it may be presented in the most comprehensive and the most interesting light.

April 2d. Walk to the Capitol. Enquired of Mr. Burch for the authenticated copy of the resolution of thanks of the two Houses of Congress to George W. La Fayette, and the family of the General, for their present of the copy of his writings, published by them. The resolution engrossed was there, signed by the Secretary of the Senate and the Clerk of the House, but neither by the Vice-President nor by the Speaker. I was teasing the Clerk for an authenticated copy of this reso-

lution, but they had forgotten it, and now I must take and forward the resolution upon the authentication of the Secretary and Clerk.

In the library I found the Dauphin's edition of Cicero, and the passage for which I was seeking—"Sed cum omnia, ratione animoque lustraris, omnium societatum nulla est gravior, nulla carior, quam ea, quæ cum republica est unicuique nostrûm. Cari sunt parentes, cari liberi, propinqui, familiares; sed omnes omnium caritates patria una complexa est; pro qua, quis bonus dubitet mortem oppetere, si ei sit profuturus?"—De Officiis, i. 17. In the year 1787, when I was a Senior Sophister at Harvard University, a military mania seized upon the under-graduates, and the Senior and Junior classes formed themselves into a company, calling themselves the Marti-Mercurian Band. It was the revival of an old company which had borne that name during or preceding the Revolutionary War; after which it had been discontinued, but was now re-instituted, in the heat of belligerent fervor against the insurgents. The company reorganized itself, chose a captain, lieutenant, ensign, adjutant, sergeants, and corporals; obtained a loan of fire-arms from the Castle; drilled, paraded, bustled, and asked permission to go with the party from Boston which took Job Shattuck—which the College government, however, declined to grant. Solomon Vose, a class-mate of mine, no scholar, but a fine, handsome fellow, six foot tall, was chosen captain of this company, and my cousin, William Cranch, as adjutant. I did not join them. When our class was about to leave the University, the chief officers retired, and their places were supplied by others, chosen from the next class. The company had a grand parade, and Captain Vose, on retiring from his command, delivered to them a very handsome valedictory as they were drawn up in the yard fronting Harvard Hall. I was present as a spectator, and was much struck with the introduction into his speech of this passage from the Offices, "Cari sunt parentes," &c.; for I had not then read the Offices, and had never before heard the sentence. It has never gone out of my memory since that day.

3d. I bewilder myself more and more every day with my discourse, and am getting to be much discouraged. I see the

necessity of making the address appropriate to the occasion, and feel as if I was all the time approaching my subject without reaching it. The merit of it should consist in being exactly suited to that day, and to none other.

> "But here, forlorn, and lost, I tread,
> With fainting steps and slow,
> Where wilds immeasurably spread
> Seem lengthening as I go."

Concentration of much matter into small compass should mark the composition; rapidity of narration, bold dashes of character, contrasted glances at the results of the Confederation compared with those of the Constitution, and conclusions pointing with clear foresight to futurity—that is what I want, and what I cannot obtain. When I reflect how trivial the matter is of reading a short historical disquisition to a private Society, I am ashamed of making myself a self-tormentor about it; but such is my nature, and I shall have no quiet of mind till it is over, and perhaps then less than ever.

I was occupied this day till past one with my task, and then went and gave a sitting to Mr. Charles for my portrait. The tension of mind all the morning was so great that when the pressure was taken off an exposition of sleep came over me, and I was dozing all the time of the sitting to Mr. Charles. He told me he had heard Stuart once painted such a sitter—asleep.

8th. I called at the War Department, and left with Mr. Poinsett a declaration of W. Huntley to procure his warrant for military bounty land. I read to him also part of a letter from Mr. James C. Doane, of Cohasset, relating to the pension claim of Abigail Lincoln. I had also some conversation with Mr. Grundy, and afterwards with Mr. Poinsett, on the Smithsonian Fund bills.

The debate in the Senate upon Robbins's bill is published in the National Intelligencer of this morning; and a debate between Great Cibber's brazen, brainless brothers at the gates of Bedlam would be more rational; and a debate between Jonathan Wild the Great and Barrington of Botany Bay as honest

as the discussion in this dignified body upon this munificent and magnificent bequest. Calhoun's speeches on the subject are the very delirium of malignity. Grundy and Poinsett both spoke fair words; so did Woodbury when I went to him about it. But I almost despair of doing anything effective with it.

15th. Call on the Secretary of the Treasury, with whom I found Mr. Whitcomb, the Commissioner of the General Land Office. I had a Treasury note for a hundred dollars, dated 10th April, 1838, at five per cent. interest. He referred me to the Bank of the Metropolis. I took it, accordingly, to the paying teller, who took out some bank-bills to pay me. I said I would prefer to take it in gold. He said they did not pay Treasury notes in gold. I asked him in what they paid. He said in current bank-bills. I asked if the Government did not pay their notes in specie. He said they had nothing to do with the Government. I said I had called on the Secretary of the Treasury, who had referred me to that bank for payment. He then said he could pay me in sovereigns, and I took it in sovereigns—of which he gave me twenty-one, with six half-dollars and fifteen cents in silver change. I told him if he liked it better I would take it all in silver. He said they had less of that than of gold. I asked him at what rate he gave the sovereigns. He said at four eighty-five. I took this money thus for the sake of the experiment; and thus it was, for a single hundred dollars, and five for the interest, positively refused payment in specie in the first instance; and, when I asked if the Government did not pay specie, told that they had nothing to do with the Government. I told him I saw their specie ran very low, and came off. There will be another suspension of specie payments anon.

16th. It seems as if I should never get through this letter to the petitioners, which I intended should not occupy two pages. I this morning rose able to write, which, when I went to bed last night, I feared I should not be; and I wrote steadfastly till near two P.M.; then called at the office of the National Intelligencer and told Mr. Seaton I should to-morrow or the next day bring him a letter to the petitioners who entrusted me with their petitions to be presented to H. R. U. S., to be published

with the closing list, and which would cover from four to five columns of the paper.

He appeared to be somewhat shy, and regretting that this subject was to be again agitated. I expected as much, and said if, after reading my manuscript, he should decline to publish it, I would simply notify the petitioners of the fact, and publish the letter in another newspaper; and if so, I should use it as an illustration of the suppression of the freedom of the press, necessarily consequent of the suppression of the right of petition and freedom of speech in the House.

He thought there was another view of the freedom of the press, which consisted of editorial independence in refusing to publish what ought not to be published.

I thought there might be editorial independence in this, but not much freedom of the press.

He mentioned to me the alteration of the Atherton resolutions from the first set of them as agreed upon in the caucus, and which Matthew L. Davis had disclosed in one of his "Spy" letters. Rhett sent a copy of them, as first agreed upon, to the Charleston Mercury, where they were published, differing considerably from those offered by Atherton. Seaton said they had published the two sets in parallel columns; but he could not find them.

17th. Still toiling upon my letter to the petitioners, without finishing, and much occupied in searching up the report of a debate in the Senate of the United States on the 17th of March, 1834, upon the refusal to receive a preamble and resolutions of a meeting at York, Pennsylvania, approving the removal of the deposits and against a re-charter of the Bank of the United States. John Whipple, in a report to the Legislature of Rhode Island, cited this as a precedent authorizing the refusal of a legislative assembly to receive petitions. After some search, I found the report of the debate in the National Intelligencer. I found also, in Hatsell, the precedents in the British House of Commons, cited by Mr. Whipple. This gentleman reported to the Legislature of Rhode Island an argument upon the right of legislative assemblies to refuse to receive petitions. Ingenious and plausible. It entirely disconcerted the Rhode Island

Whigs, and took very well with the Democrats. I am undertaking to review it.

18th. At length I finished my first letter to the petitioners whose petitions I presented to H. R. U. S. at the late session of Congress. It is long, dull, and written in a hasty, slovenly manner, and requires a second letter, which I have not now time to write. I returned by cards the visits of Mr. Jones, the Minister from Texas, and of the Brazilian Chargé d'Affaires; then went to the Capitol, and returned four books which I had taken out of the library; then to the National Intelligencer office, and left with Mr. Gales the letter, which he promised should be published, if at all, next Tuesday; for Seaton had expressed some doubt whether they would publish it, for fear of agitation. I asked Mr. Gales to read it, and said I would call again to-morrow or the next day, and if they declined the publication I would take back the manuscript and publish it in some other paper. Seaton is going to-morrow with one of his daughters to Philadelphia. Gales was there last week, to borrow money of the Bank of the United States; but he says the spirit of that institution is gone since Mr. Biddle resigned the office of its President.

My time has been so much absorbed in writing that I can scarcely find any for reading. But I took up this day and read some pages of a small volume—Narrative and Correspondence concerning the Removal of the Deposits and Occurrences connected therewith, by William J. Duane. There is a meekness of manner in this narrative, and in the correspondence, on the part of the author, which excites compassion, and contrasts with the crafty and scratching style of the papers written by Amos Kendall and signed by Andrew Jackson. The wire-workers throughout the whole transaction were Amos Kendall and Reuben M. Whitney. Duane was a mere victim; McLane, Taney, Cass, and Woodbury, supple and submissive *assentators;* the ignorant vanity and furious passions of Andrew Jackson, the instruments of that most mischievous transaction.

20th. I received from Mr. Joseph Blunt an answer to my enquiries concerning the time and place for the delivery of the historical dissertation before the New York Historical Society.

The place, a large church; the time, noon; the duration, from an hour to an hour and a half. I read over my discourse, and selected, from the beginning, the middle, and the end, three fragments, the delivery of which need not exceed an hour and a half, and is just about one-third of what I have written. But whether my voice, or the patience of the auditory, will hold out for that time must remain for trial.

Colonel Thomas paid me a morning visit, full, as he always is, of political gossip and the small caballing for place. He says that Mr. Clay himself got up, and, he believes, wrote, the anti-abolition petition from this District upon which he made his anti-abolition speech at the last session of Congress, and that its effect has been to demolish his last possible chance for the Presidency.

I said I supposed he expected to propitiate Southern votes by it.

He said he would not get them; that his only prominent supporter at the South now was Mr. Preston, but yesterday the most furious champion of nullification. It is indeed curious that Preston has avowed in a speech at a Whig meeting, and in a published letter, that he was one of a small party of friends to whom Clay read his anti-abolition speech before he delivered it in the Senate.

Thomas said he had no doubt of the re-election of Mr. Van Buren.

I gave my seventh and last sitting for my portrait to Mr. Charles, who told me that he was forming his style upon the model of Sir Joshua Reynolds, but that he was a young man. This is the thirty-fifth time that my likeness has been taken by artists for portrait, miniature, bust, or medal; and of the whole number, Parker's miniature, Copley's portrait in 1796, and Stuart's head in 1825, with Persico's bust, now in the library-room of Congress, are the only representations of my face satisfactory to myself.

I called at the office of the National Intelligencer, to enquire if the editor had determined to publish my letter to the petitioners or not; said he had no doubt it would be published, but he had not had time to read it, and had handed it over to his father.

25th. The pressure upon my time as that for my departure approaches becomes excruciating—so much to do at the last moment, and, after all, so much left undone. Among the felicities of Washington's life is the unity of the two great objects which he had to pursue: first, the war of independence; and, secondly, the establishment of the Constitution of the United States. There is the unity of a Grecian drama in both of them—a tragedy and a comedy. No reputation of a great man can be acquired but by the accomplishment of some great object. But perhaps fortune is the great furnisher of occasions. The Revolutionary age and the Constituent age were the times for great men; the Administrative age is an age of small men and small things. I wrote this morning to George W. La Fayette and enclosed to him the authenticated copy of the resolution of thanks of the two Houses of Congress to him and the surviving family of the General for the copy of his writings and memoirs presented by them for the library of Congress.

27th. *Saturday.*—Cars from Washington to Baltimore from six to eight. T. H. Benton; stopped at the Relay House for Western Railroad to Missouri. Call at R. Gilmer's. In the country. Cars from Baltimore to Philadelphia. Gunpowder seventeen miles, Bush River twenty-four, Havre de Grace, Susquehanna, thirty-five miles from Baltimore. Five miles further, axle-tree of our locomotive broke; sent back for another engine; detained more than two hours. Mr. Newkirk a fellow-passenger. Go ahead. Take steamboat "Robert Morris" at Wilmington. Land at new wharf, Philadelphia, at seven—sunset. Lodge at Washington House, kept by Captain Jefferies, 223 Chestnut Street. Cowperthwait called as I entered the house. Offered to take me to-morrow morning to Andalusia. Mr. N. Biddle there. I accept the invitation. Went and spent the evening with Judge and Mrs. Hopkinson, Walnut Street.

28th. Mr. Cowperthwait came, with his son; took me out to Andalusia at half-past eight. Summer heat, and dry. Stop to rest the horses at Frankford. Mr. Cowperthwait's house is about a mile short of Andalusia. He stopped at the head of

the lane leading to his own house. His son went with me to Andalusia. Found Mr. Biddle there alone. Mrs. Biddle and the family at Philadelphia. He is building two wings to his house. His grapery threefold larger than in July, 1836. Chinese Morus multicaulis; many thousand slips in pots. Rohan potatoes. Horace. Gray. Pope. Dr. Johnson. Charles Lamb. Ennui. Dinner tête-à-tête. Walk to the depot, one mile. Cars of the Jersey Railroad. Left Philadelphia at five P.M.; arrived at the depot near Andalusia at six; pass through Bristol, Trenton, Princeton, New Brunswick, Rahway, Bridgeport, Elizabethtown, Newark, Jersey City. Ferry at the foot of Cortlandt Street. Astor House, in Broadway, ten minutes before eleven P.M. I knew not one of my fellow-passengers.

NEW YORK, 30th. v. 30. *Tuesday.*—Jubilee of the inauguration of George Washington as first President of the United States. At six this morning Charles came into my chamber from Boston. Rev. Dr. Francis Parkman, and W. P. Lunt, Nathan Appleton, Southworth, Dawes, and , from Oberlin Seminary, in Ohio, for subscriptions, recommendations, and books. At eleven A.M., meeting of the Historical Society at the City Hotel. At noon, short procession to Middle Dutch Church, corner of Nassau Street. Prayer by the pastor; ode by the choir. I delivered an address of two hours; well received. Crowded church. Mr. D. Duer, President of the Columbia College, accompanied me to my lodgings. I then went with him and Charles to the college; saw the library, and portraits of Presidents and Professors. Return to my lodgings; two hours' repose. At five P.M., dinner at the City Hotel of three hundred persons—Judge Davis, Morgan Lewis, Colonel Trumbull, Captain Gallagher, Samuel L. Southard, General Scott, President Duer, L. Hastings, N. Appleton, and many others. Speeches at the dinner. Left the hall eleven P.M.

QUINCY, *May* 7th.—Exhibition at Cambridge. I went into Boston in Gillett's omnibus; passed from that into the Cambridge hourly, and found President Quincy and Governor Everett, with a few other of the visitors, already in meeting. The reports from all the Professors and from the President were read by the Governor. Paley's Moral Philosophy; I wished

they would burn it by the hands of the common hangman. Bowditch's Navigator; a perfect treatise of practical astronomy. Quære de hoc. The exhibition very good. Two Kings—Thomas Worthington, son of Edward, and Archibald Gracie, son of James G. King, spoke a Latin dialogue between Caius Marius and Granius. Mr. James M. King was there, and came and spoke to me. The best performance was a dissertation upon the Effect of Belief in Immortality upon Literature, by Nathaniel Holmes Morrison, of Peterborough, New Hampshire. James Lawrence, a son of Abbott Lawrence, had a part of a Greek dialogue in Iambic verse, between Juba and Syphax. The Governor had Chancellor Harper, of South Carolina, with him, and did not stay to dine. The dinner was pleasant. S. T. Armstrong and Mr. Carter, of the State Senate, and R. C. Winthrop, Speaker of the House, were there. Dr. Francis Parkman sat next to me, as I had left him at the Astor House at New York. Mr. Quincy took me in his chaise to Boston, to Charles's house, but he was just gone. We followed him down to Hawley Place, and found him there. He brought me out to Quincy, and returned himself to Boston.

14th. IV. 15. *Tuesday.*—Showery morning and day, which confined me to the House. Second letter to the petitioners labors. G. A. Otis's third Tusculan upon Grief. The French translation, by President Brotier, excellent. The dialogue of the Tusculans is neither natural nor artificial. The subjects are introduced all in the same manner, and the auditor is a mere assentator. But my troubles this day were with the ninth ode of the fourth book of Horace, to Lollius. I wanted very much the other day at New York, at the dinner-table, Pope's version of the "Vixere fortes ante Agamemnona," but I could not remember it. I am enquiring now why Pope took only two of the passages of that ode for imitation. I tried it myself, and was all day hacking at these lines:

> Think not because I drew my birth
> From rugged rocks and barren earth
> My verse is doom'd to die.
> The deathless musings of the mind
> To torrid climes are not confined,
> Or Greece's cloudless sky.

Of ancient poets 'tis confess'd
The Bard of Smyrna sings the best;
  Yet not alone he sings.
The Teian minstrel tunes his lyre,
The Lesbian lass's lip is fire,
  The Theban spreads his wings.

List, Romans, list to Maro's strain,
To Naso's ever-varying vein;
  To Horace, too, by turns.
Hark! on your ear Tibullus steals,
Lucretius nature's law reveals,
  And Juvenal's caustic burns.

And here I stick, on the borders of nonsense. But how many hours of this day I wasted in rumination to proceed with this ode! I believe Pope gave it up in despair, for he has left out the finer passages of the whole composition, and his last four lines are tautological, repeating the same thought twice over. Francis's translation of this ode is beautiful; but the translation by Duncombe senior, and the imitation by the younger, are both very indifferent. The ode is said to be in three parts, between which there seems to be no natural connection. The Lollius to whom it was addressed is also (said) to have been very unworthy of the praise which it lavishes upon him.

15th. I labor painfully with my letter to the petitioners, and hammered out of Horace's Ode 9, Book 4, as follows:

The crispy curls of Priam's boy
Seduced the Spartan bane of Troy,
  And many a maid beside.
And myriads on the roll of fame
Might beam as bright as Hector's name,
  Who for their country died.

Long before Agamemnon's days,
Heroes deserved the meed of praise
  And sparkling glory's crown,
But perish'd in the abyss of Time.
No bard had they with lay sublime
  To herald their renown.

The pebble on the beach outshines
The diamond sleeping in the mines
  And hidden from the day.

The virtue that remains conceal'd,
And dulness in broad light reveal'd,
Alike forgotten lay.

There are many ideas in this ode that I find it utterly impossible to manage; and yet I cannot shake off the desire to turn out an imitation of it.

16th.

Not thus thy worth, my noble friend,
In dark oblivion shall descend
To after-days unknown;
For still, while years and ages roll,
This verse shall make from pole to pole
All future time thine own.

Empires and kingdoms rise and fail;
Thou, Lollius, shalt survive them all,
Consign'd to deathless fame,
And regions undiscover'd yet,
In tongues unspoken now, repeat
Thy ever-honor'd name.

Behold the Roman, they shall say,
Who ne'er had bow'd to passion's sway
Or vice's base control,
But still in age, as erst in youth,
For honor, temperance, and truth
Preserved his constant soul.

Not he the Consul of one year,
With transient power the good to cheer.
The man of lofty mind
Shall through all ages be obey'd,
By God's eternal dictate made
A ruler of mankind.

My second letter to the petitioners still labors, and the Ode to Lollius suffers me not to sleep. Here are four stanzas more, a paraphrase of some of the ideas in the original, but which do not tally with the imitation attempted in my first three stanzas. If I can get through the whole ode without giving it up, like Pope, in despair, it must still be all remoulded again.

17th.

What Fortune chooses to bestow,
Her changeful gifts of bliss or woe,
He bears with soul serene;

Spurns the base bribe with deep disdain,
And keeps from all dishonest stain
His hands forever clean.

Not hoards of wealth, in his esteem,
Can yield to man the good supreme,
Or happiness impart.
'Tis virtue gives his life her charm,
'Tis fortitude that nerves his arm,
'Tis justice rules his heart.

These virtues, Lollius, all are thine:
Possess'd of these, Golconda's mine
No envied gem can lend;
And blest with these, no flinching nerve
Will life itself refuse, to serve
His country or his friend.

Far happier he than wealth can make
Who learns the gift of God to take
With praise-returning breath,
Content his frugal table spreads,
Or, pinch'd with penury, still dreads
Dishonor worse than death.

Mr. Otis's fourth Tusculan, which I finished reading this morning, Dr. Channing's letter to Jonathan Phillips, Alexander Hamilton's letter on banking, and Horace's Ode to Lollius, distract my attention, and the letter to the petitioners languishes.

18th. I had little sleep again last night, but, waking between two and three o'clock, finished my imitation of the Ode to Lollius, excepting the last stanza, which had escaped my recollection in bed, but which contains too beautiful an idea to be omitted. What a magnificent panegyric upon his friend! What consciousness of his own transcendent powers! What a sublime conception of the gifts of poetical inspiration! But, then, what a sad falling off, that all this praise was bestowed upon a worthless man! A misfortune to me is that I cannot enjoy the music of this ode. The harmony of all the metrical stanzas of Horace is lost to my ears, excepting the Sapphic. It is remarkable that Horace, who avows himself a very swine from the sty of Epicurus, whenever he inculcates virtue resorts to the Stoic fountain. His Lollius is a perfect Zeno. If Pope,

who barely glanced at this ode, had imitated the whole of it, nothing that he ever wrote would have been more exquisite.

22d. I revised my second letter to the petitioners, and enclosed it to Gales and Seaton for publication in the National Intelligencer, if they see fit. Having done this, I wasted the day in deliberating what I should take up next. I read a sermon of the Rev. Simeon Doggett, pastor of the Second Congregational Church at Raynham, preached there on the last fast-day, 28th March, 1839, a copy of which I this day received from Rev. Andrew Bigelow, of Taunton; then Dr. Channing's letter to Jonathan Phillips—intended as a refutation of Mr. Henry Clay's anti-abolition speech in the Senate last February; then Rees's Encyclopædia, article Astronomy; the first book of Ovid's Metamorphoses, and Count De Maistre's translation of Plutarch's essay upon the delay of Divine Justice, which he promised to dedicate to me, but forgot his promise. This dissertation interested me so much that the sun went down and I had done nothing. I can compare myself to nothing but the humming-bird which visits my althæa-trees in August, when they are in full bloom, buzzing upon the wing from cup to cup without alighting anywhere, and sipping liquid honey with a long needle beak from the bottom of each cup. My paraphrase of the Ode to Lollius remains unfinished, and I have an invincible repugnance to commence precisely upon that which I ought above all others to take in hand.

24th. Foul weather. A cold northeast storm confined me to the house almost the whole day. I ought to have done much; mais hélas! il n'en est rien. There is such seduction in a library of good books that I cannot resist the temptation to luxuriate in reading; and, because I have so much to write, I count all time lost that is not spent in writing.

I finished reading Dr. Channing's letter to Jonathan Phillips upon slavery. He demolishes all the argument of Clay's speech —which is, indeed, nothing at all. The remark of Junius, that the arguments of tyranny are as despicable as its power is dreadful, applies especially to all arguments in behalf of slavery.

I answered the letter of Dr. Sprague, of Albany, which I received at the Astor House and by inadvertence put into

my trunk. I have promised him the manuscript of my semi-centennial discourse.

I looked into Goguet's Origin of Laws, Arts, and Sciences for the earliest history of astronomy, and also into the first volume of the Cours d'Etudes Encyclopédiques, by François Pagès; but neither of them was so satisfactory as the German Popular Astronomy of Schubert. I fear I must renounce this enquiry, or it will immediately lead me beyond my depth, and I might as well attempt to swim across the Atlantic. Another enticement is my old friend Count Maistre's translation of Plutarch's treatise on the delays of Divine Justice, the notes to which are so characteristic that they bring him before my mind's eye as if I had seen him but yesterday. And thus the hours glided in liquid lapse away, and the day was gone.

QUINCY, *June* 10th.—Mr. French, a member of the Senate of the Commonwealth from the county of Norfolk, and an inhabitant of Canton, with Mr. Everett, also a citizen of that town, came this morning as a committee from the inhabitants of the town, without distinction of party, to invite me to deliver to them an address on the 4th of July approaching, which they have determined to commemorate. I assured them of my great regret that it would not be in my power to comply with this invitation, having already declined two others for the same occasion—one at Bath, in the State of Maine, and the other at Springfield, in the county of Hampden; and having been also under the necessity for the last year or two to decline all engagements for public speaking in advance, owing to the infirmity and uncertainty of my voice. They asked me then to send them a sentiment for a toast at the dinner; which I promised to do.

13th. Miss Cutts has a small album with engraved devices at the top of some of the pages. There are some pretty lines of Edward Everett's, on a cottage, and two lines, equally ingenious and delicate, from Mr. Madison, signed J. M.:

> "Errors, like straws, upon the surface flow;
> He who would search for pearls must look below."

And *below* are verses of Mrs. Madison. There is a flat com-

plimentary prosaic of Mr. Clay. Miss Martineau says that Watts is laid under contribution for all the album poetry in this country. I have seen very little in any album so good as the worst verses of Watts. I have kept copies of all my contributions to albums, and I sicken at the sight of them. Miss Cutts's album has been lying on my table these ten days, and I have been at my wits' end for something to write in it. But she is now to leave us in a few days to visit some of her relations in Maine, and something I must write. There is at the top of one of the pages of the book an engraving of roses in bloom, with a tambourine lying over them, and a lyre leaning upon the tambourine. The page below was blank, and here was matter for musing meditation. I wrote a sonnet, and, having finished it, laughed aloud at myself to think what I should say if she should ask me the meaning of it. "Fluttering spread thy purple pinions" is good sense and connected thought in comparison with it. A sonnet of nonsense is better for an album than pillage from Watts. Miss Cutts desires autographs also of my father and mother; and on looking over my mother's papers I found the draft of a letter from her to me, written in 1783, and on the back of a letter franked by my father with his signature. I gave this to Miss Cutts. But all this absorbed the morning.

27th. I answered the letter from Henry Williams asking for publication my opinion upon the constitutionality and expediency of the fifteen-gallon license law, and I received a letter from Joshua Leavitt and Henry B. Stanton for the committee of arrangements of the American Anti-Slavery Society, earnestly inviting my attendance at a National Anti-Slavery Convention, to be held at Albany on the 31st of July next. These appeals to me for my opinions upon subjects convulsing the public mind, with the conflict of interest and passions, are at once flattering and perplexing—so flattering that they have an evident tendency to engender self-conceit and a fatuitous over-estimate of my own importance. I ought to know, and never for a moment forget, that my opinion is not of the weight of a straw to influence that of the public upon any great question of politics or of morals. Common prudence

should warn me not to mingle unnecessarily with controversies without a distinct and unequivocal call of duty. And this is the more incumbent upon me because my opinions, without being useful to others, draw down a load of obloquy upon myself, and even upon my family. Yet when my opinions are formally asked, common civility requires an answer; the refusal to give an opinion would manifest either churlishness or a selfish timidity affecting discretion. This license law is an ill-advised measure, intended to promote the virtue of temperance, but infringing the personal freedom and habits of the people. A profligate use of the passions of the people is made to overthrow the present State Administration and turn it to the benefit of Van Buren. And it is among the strange anomalies of party management that the political agency of the anti-slavery party produces the same effect. This National Anti-Slavery Convention will be followed by the same result. My answer to Mr. Williams will not satisfy him, nor any one else. And while the abolition champions are importuning me to attend their Convention, all their newspapers with one voice have opened in a grand chorus against my letters to the petitioners.

28th. In the attempt to redeem the arrears of my diary index, I bring back the memory of many things which appear to me in different lights from what they did at the time when they occurred. One of the most trying periods of my life was that of the close of the Twenty-Third Congress, when, after a most furious succession of debates, buffeted from all quarters of the House, I brought them to an unanimous recorded vote, and thereby combined to ruin me the whole power of the Senate, and especially all the rival aspirants to the Presidency then in that body. The vile expedient of insulting the House of Representatives by a message to remind, of defeating the Fortification bill by a hypocritical by-blow at the three million appropriation, and of charging the House with the loss of the bill itself, indicated to me what was to come; and I saw the danger in all its magnitude. The storm did burst upon me at the next session of Congress, by an elaborate and deeply-studied speech of Webster, delivered on the 14th of January, 1836, in the Senate, and

published four days after in the National Intelligencer. The whole speech was a masked battery opened upon me, which I completely silenced and turned back upon its inventor; but by what a whirlwind of invective against me it was followed from almost all the eloquence of both Houses! I never replied, though with a full reply I was prepared. But my policy towards France was fully sustained by the event, and I was saved from political destruction by my resistance against the gag of May, 1836. These were casualties or providential incidents.

July 12th. The Rev. William M. Cornell, some time minister of the orthodox Church, called this morning, and said that he had been compelled by the state of his health to give up his profession as a minister of the gospel, and had opened a school to prepare boys for college; and in making references for character it might be useful to him to give my name, as other gentlemen of the town had authorized him to do.

I said that with regard to his peculiar qualifications as a teacher I had not the pleasure of being sufficiently acquainted with him to speak of my own knowledge; but that to the respectability of his character, and his integrity, so far as he was known to me, he might rely upon my disposition to render him any service in my power; and, if called upon, I would cheerfully bear testimony in his favor.

Just four years ago, Mr. Cornell, in the heat of youthful zeal for orthodoxy, wrote certain strictures upon the moral and religious character of the inhabitants of this town, which were published and roused their resentment vehemently against him; and town-meetings were held, and a large committee was raised, of which I was Chairman, to vindicate the character of the town. We had a correspondence with Mr. Cornell, and reported resolutions declaring his aspersions false and groundless, which were adopted and published; and there it ended. Mr. Cornell's burning zeal was cooled, and his conduct has ever since been prudent and exemplary. He suffers now with a disease in the throat called bronchitis, which is said to have become almost an epidemic among the preachers.

13th. I had an afternoon visit from Mr. Buckingham, the editor of the Boston Courier, and his son Edgar, a graduate at

Harvard University of 1831, who had been settled about four years as a Congregational minister at Dover, in New Hampshire, but has recently parted from his flock—he says, not from any disagreement with them, but in amity. The father resides in Cambridge, and is one of the Representatives of that town in the State Legislature. He was for many years one of the bitterest political enemies and opponents that I ever had in the world; but I never took the slightest notice of his assaults. He finally came to me in person, offered me his friendship, and assured me that I should never more see in his paper anything personally offensive to me. He has kept his word, and more; for, without flattering me, his paper has treated me with uniform kindness.

14th. I have answered a very earnest invitation of Joshua Leavitt and H. B. Stanton to attend a grand National Anti-Slavery Convention to be held at Albany on the 31st of this month. I have declined attending, on the express ground of my dissent from the declaration of sentiment of the American Anti-Slavery Society of 1835, and especially to the belief and affirmation "That every American citizen who retains a human being in involuntary bondage as his property is (according to Scripture, Exodus xxi. 16) a MAN-STEALER." I have taken a direct issue upon that affirmation with the American Anti-Slavery Society and all its affiliated associations. The conflict is fearful; but, certain as I am that this declaration is neither true nor just, I have no doubt of ultimate success in the encounter.

15th. There came this afternoon a man by the name of Samuel Goodhue, a soldier of the Revolution, seventy-four years of age, now residing in Boston, who said he had heretofore entertained a strong desire to see and talk with my father, but had been disappointed; that he had only once seen me, in company with Mr. Armstrong, when I delivered the eulogy on James Madison. But he had long wished to converse with me, and to ask sundry questions, a paper of which he had in his pocket. He said he had been a member of the Common Council with my dear departed son George, but was not a member of that body now. I listened to his questions, and

answered them as well as I could. He kept throughout, for at least two hours, the style of interrogation, affirming nothing himself, but disclosing clearly enough his own opinions by the character of his enquiries. He is an ardent patriot of our Revolution, and now a Whig abolitionist head over ears. He abhors Andrew Jackson for his bank war and his removals from office. He thinks slave-holding a crime, which ought to be abolished though it should cost the dissolution of the Union; and he thinks, as it was wrong in the Representatives of the free States to stipulate for the delivery up of fugitive slaves, a bad promise is better broken than kept, and that we ought to consider that pledge in the Constitution null and void. Here is the Roman Catholic principle, that faith is not to be kept with heretics, in all its glory. Mr. Goodhue is sincere and honest in these opinions, and, to warrant his opinion that a breach of faith with slave-holders is an obligation of duty, he instanced the case of St. Paul, who, upon his conversion at Damascus, broke his promise to the High-Priest, to bring all the Christians he could find in bonds to Jerusalem.

I told him the conversion of St. Paul was by a miracle, a special command from Heaven, and until we should receive a like command it would be best for us to keep our faith. He was not satisfied with this reasoning, and insisted still on the enquiry whether a wrongful promise were not better broken than performed. He finally asked me for copies of several of my publications, for which he offered to pay. But I gave him copies of my letter to the inhabitants of the Twelfth Congressional District of Massachusetts, of 13th August, 1838; of my three letters to the petitioners at the last session of Congress; of the eulogy upon La Fayette; of the oration at Newburyport; and of the Jubilee of the Constitution.

August 19th. Mr. Francis Jackson and Mr. Edmund Quincy visited me, with Mr. John Scoble, an English abolitionist, who has been travelling in the West Indies, and has been about a month in this country, lecturing upon abolition. Mr. Scoble was going this afternoon for New York, and is to embark in the Liverpool steam-packet for England on the 24th. Mr. Quincy said they had induced Mr. Scoble to come out to give

me any information that I might desire concerning the condition of the English islands where slavery has been abolished. I had much conversation with him. His reports upon the condition of the islands are all rose-colored as to the results of emancipation; but he is evidently a prejudiced and interested witness. As to the ultimate issue, he admitted that the islands must finally pass into the exclusive possession of a mongrel half-breed of African and European blood, from which the white race will gradually retire, but will not be expelled; and that, as a further necessary consequence, the colonial supremacy of England over them will cease.

I spoke of the despotic measures of the English Ministry, suppressing the Legislature of the island of Jamaica to carry through the emancipation laws, and of the convulsions in the English Government itself occasioned thereby. He said that it was all occasioned by the intractable obstinacy of the Legislative Assembly of Jamaica in resisting an Act of Parliament for the reform of the prison. The proposal had only been to suspend the Legislative Assembly of Jamaica for two years and a half, to which it had been reduced from five years. The bill had finally passed in the House of Commons by a majority of ten, but had been thrown out, with the exception of a single section, by the House of Peers. Mr. Scoble was much dissatisfied with the compensation granted by the British Parliament to the emancipated slaves' masters, which, he said, was carried entirely by intrigue, against the will of the abolitionists. The conversation was animated, but good-humored, and we parted with all the forms of politeness and civility.

20th. Morning visit from Rev. Dr. Storrs, with his son, Colonel Minot Thayer, and Mr. Spaulding, of Braintree, who came to claim the performance of a promise which I made last fall, to deliver an address to the people of that town some time before the meeting of Congress this year. I acknowledged the promise, and said I would endeavor to perform it. I felt myself bound to except Braintree from the general rule which I have been obliged to prescribe to myself, of declining all invitations to deliver addresses, lectures, and orations. Braintree was the name of my native town, and, though Quincy has been

detached from it, I still consider Braintree as my own mother-town, having claims upon me possessed by none other. I requested, however, that it might not be expected I should discourse upon any political subject, and that no notice of it should be taken in the newspapers—at least, until very shortly before the day; which Mr. Thayer said it would be difficult to prevent. We had much political conversation, of little value.

28th. Mr. Minot Thayer was here, with a son of Mr. Thomas Phillips, of Boston. Mr. Thayer's object was to ask me to fix a day upon which I am to *preach* to the people of Braintree. For the passion for hearing lectures, addresses, orations, and the like has taken hold of this people with such fury that if it continues we shall soon become a nation of preachers. I told Mr. Thayer I could not yet fix upon a day, nor yet tell him the subject upon which I should discourse; for that I had a great aversion to that of education, hackneyed as it was, and upon which it is impossible for me to say anything new. He said the people would attend more to what I should say than if it should be said by any one else—which is all fudge. I told him that as soon as I could possibly fix the day I would let him know.

I had not dispatched my answer to the committee of Directors of the Mercantile Library Company at Philadelphia, declining to deliver a lecture before them next November, before I received a second letter from them, reiterating the application. I answered this day also a letter from Ira M. Barton, in behalf of the Directors of the Worcester Lyceum, inviting me to deliver the introductory lecture to their course next October—which I declined; and a second letter from Sherrard Clemens, Silas Condit, and Charles S. McColloh, to inform me of my election as honorary member of the Union Literary Society of Washington College, Pennsylvania; which honor I accept. Invitations to deliver addresses, lectures, and orations, autographs, verses for albums, and elections as honorary member of literary societies, constitute four-fifths of my present correspondence, and are annoying, more than mosquitos or gad-flies. It seems as if nothing could be done in this country but by association.

September 23d. Mr. Francis Jackson brought me a letter

from Mr. Ellis Gray Loring, requesting my opinion upon the knotty questions involved in the case of the Spanish ship Amistad, recently taken by a vessel of the United States engaged on the survey of the coast, and brought into New London, having on board about forty African slaves and two Spaniards of the island of Cuba, their owners—the slaves having been charged with murder and piracy, for taking the ship and putting to death the captain and one or two other white men. Judge Smith Thompson, of the United States Circuit Court, has decided that his Court has no jurisdiction to try the offence of piracy committed on the high seas in a Spanish vessel; but his opinion is not yet published, and the newspaper account of his decision I think incorrect.

I desired Mr. Jackson to say that I felt some delicacy about answering his letter until Judge Thompson's opinion shall be published, and until the final decision of the Government in the whole case. In the mean time, I requested him to ask Mr. Loring to look up and examine the records of the Circuit Court upon the trial of the pirates convicted and executed there some years ago; and I mentioned to him the refusal of President to deliver up a man charged at Charleston, South Carolina, with piracy committed on board of a British vessel.

28th. I received some weeks since a letter from Sidney Peirce, dated East Marlborough, Chester County, Pennsylvania, the 9th of this month, requesting as a favor some thought or sentiment of mine written with my own hand. The writer represents herself as the daughter of a farmer, having just passed from the fairy dreams of childhood to the sober realities of life, residing beneath the paternal roof in the southeastern part of Chester County, Pennsylvania. The handwriting, the spelling, and composition of the letter all indicate a cultivated mind and liberal education; the only deduction from the estimate of which is the fulsome flattery with which her request is urged. But this, I suppose, emanates from the enthusiasm of anti-slavery, not yet refrigerated, as with the great mass of the abolitionists it has been, by the dampers which I have put upon their senseless and overbearing clamor for the immediate, total, uncompensated abolition of slavery in the District of Columbia.

I have sent to Miss Peirce copies of my oration upon the life and character of La Fayette, of the fragment speech of June and July, 1838, and of the Jubilee of the Constitution, with the following thought or sentiment of mine, written with my own hand, on a blank leaf, before the oration on La Fayette:

To Miss Sidney Peirce, Hamorton Post-Office, Chester County, Pennsylvania:

Fair maiden, my career on earth is run,
For I have winter'd threescore years and ten.
This world to me is but the lions' den.
My term is closing—thine has just begun.
My thread of life from mingled yarn was spun—
The motley web of praise and blame from men.
But truth and freedom have inspired my pen,
And now from thee a nobler prize I've won.
Thy voice for me shall fill the trump of fame,
For thou hast wreathed a chaplet round my name
Of pure, bright, incorruptible renown—
More precious than Golconda's sparkling gem,
More glorious than the monarch's diadem,
The hero's laurel, or the martyr's crown.

October 1st. I answered an invitation of a committee of the citizens of Springfield to a public dinner, to be given there on the 3d of this month, upon the occasion of the opening of the railroad from Boston to that place, through Worcester, and the project of which imports a continuance of it to the Hudson River. I declined this invitation.

But that which now absorbs great part of my time and all my good feelings is the case of fifty-three African negroes taken at sea, off Montauk Point, by Lieutenant Gedney, in a vessel of the United States employed upon the survey of the coast, and brought into the port of New London. These negroes were a fresh importation of slaves from Africa into the Havanna against the laws of Spain and her treaties with Great Britain; purchased there under the nose of the joint commission of Britain and Spain sitting there for the suppression of the slave-trade; shipped from the Havanna for another port in the island by two Spanish subjects, Ruiz and Montes, the purchasers of the slaves. When four days out, the negroes

revolted, killed the captain and cook, took possession of the ship, spared the lives of Ruiz and Montes, and ordered the latter, skilful in navigation, of which they were ignorant, to steer for Sierra Leone. He deceived them by changing the course of the ship every night from that which they understood enough of navigation to make it necessary for him to steer by day. By this double process they had as it were finally drifted upon our coasts, and, being finally boarded by Lieutenant Gedney, he, at the request of the two white men, took possession of the vessel, without resistance from the negroes, and brought her into New London.

Forty-nine of the negroes were claimed by Ruiz as his property; four children, three girls and a boy, by Montes as his property. But they charged the negro men with murder and piracy, for killing the captain and cook and taking the ship, and yet claimed all the negroes as their property; and Lieutenant Gedney libelled the ship and cargo, including the negroes, for salvage. The Spanish Minister, too, at Washington, has laid claim to the whole ship, cargo, and negroes, to be restored to the owners by virtue of the ninth article of the treaty with Spain of 27th October, 1795. The District Judge, Judson, received the charge of piracy, and committed the forty-nine negro men to be tried at the Circuit Court at Hartford on the 17th of September, and the four children to appear as witnesses, and at the same time he admitted the claim of the Spaniards to the negroes as their property, and the libel of Captain Gedney. When the Circuit Court met, on the 17th, Judge Thompson, upon a statement of the facts by the Grand Jury, charged them that the Court had no jurisdiction of any crime committed on the high seas in a Spanish vessel; but he refused to liberate the negroes upon habeas corpus, because they were claimed by the Spaniards as property, and he held that the District Court had jurisdiction upon this claim. More upon this subject to-morrow.

2d. With an extraordinary exertion, and in too much haste, I answered the letter of Ellis Gray Loring of 23d September; but upon the facts stated I thought best to answer by questioning him in turn. I examined Blackstone, iv. 71; Bacon's Abridgment, v. 310–11; Valin, book 3, title 9, article 3; Eme-

rigon, chap. xii. p. 529, punishment of piracy; Wheeler's Law of Slavery, p. 267, from 3 Sergeant and Rawle's Reports; 4 Peters, Condensed Reports, iv. 392; Palmer's case, vi. 30; case of the Antelope, and Mason's Reports, p. 360; case of the sloop Abby; and all the published accounts of the proceedings in the Circuit and District Courts in the case of the Amistad. Here is an enormous consumption of time, only to perplex myself with a multitude of questions upon which I cannot yet make up opinions for which I am willing to be responsible. Emancipator, 5th September, 1839. First account of the capture of the Amistad. Letter of Lieutenant Gedney, U. S. brig Washington, New London, 26th August, 1839, gives the account of his taking the Amistad that day, lying in shore, off Culloden Point, between Gardner's and Montauk Points; twenty or thirty negroes on the beach; fifty-four blacks and two passengers on board—Pedro Montes and José Ruiz. They had been boarded by an American schooner from Kingston. The vessel was at anchor off Culloden Point, and was found in communication with the shore. The negroes on shore were disarmed and sent on board the schooner by Lieutenant Gedney.

Question: what authority had Lieutenant Gedney to disarm and send them on board the schooner?

Examination before Andrew T. Judson, District Judge, who committed them for trial before the United States Circuit Court, on the 17th of September, at Hartford. Affidavit of José Ruiz, reported for and in the Sun. Advertisement of Simeon L. Jocelyn, Joshua Leavitt, and Lewis Tappan, 4th September, 1839. Appeal to the friends of humanity for donations for thirty-eight fellow-men. Emancipator of 12th September, 1839. Letter from Lewis Tappan to the committee on behalf of the African prisoners at New Haven, dated New Haven, 9th September; and one from Joshua Leavitt, of 6th September. With Lewis Tappan's letter are two warrants of commitment by Judge Judson of fifty-eight negroes for the murder of Ramon Ferrer on the high seas; and of the four children as witnesses, 29th August, 1839.

3d. I received last evening an invitation from the Massachusetts Charitable Mechanic Association to attend at their tri-

ennial festival this day, to conclude with a public dinner at Faneuil Hall. At ten o'clock attended at the Doric Hall of the State-House, and met the President of the Society, Mr. George Darracott, and the Secretary, J. Gorham Rogers. There, among the invited guests, I met General H. A. S. Dearborn, Caleb Cushing, Isaac P. Davis, President Josiah Quincy, the British Consul, Mr. Grattan, and sundry others. At eleven o'clock, or soon after, the procession moved from the Representative Hall of the State-House to the Odeon. I walked with General Dearborn. The order of services was—1. Voluntary on the organ. 2. Chorus, "Glory be to God on High." 3. Prayer, by Rev. George Blagden. 4. Original ode, written by George Lunt; a luxuriant picture of the autumnal season, of which the following couplets are worthy of being embalmed in memory:

"The teeming earth with treasured stores in rich profusion crown'd,
The cattle on a thousand hills by summer's sun embrown'd,
The forest deck'd with glorious hues, the flocks that throng the vale,
And nature's universal heart, the year of plenty hail.

"And well may man, whose living soul the breath of God inspires
To grasp the shadowy things to be, with uncontroll'd desires—
Well may he bring the skilful work his master-hand hath wrought,
And join with Nature's festival, the harvest-home of thought.

"His head hath found the farthest isle that crowns the ocean wave,
His hand hath sought the sparkling gem in earth's profoundest cave;
His car along the smoking track the courser's speed outvies,
And swifter than on eagle's wings along the deep he flies."

There are three stanzas more, not equal to these, but yet very good.

Next was the address by James T. Austin, an hour and a half long, without a tedious moment to the auditory. It was a spirited and eloquent vindication of the natural and unavoidable inequalities of human society, and of the blessings of luxury—the doctrine of Mandeville's Fable of the Bees, set forth in the gorgeous attire of ambitious oratory. After the doxology to the tune of Old Hundred, and the benediction, by Mr. Blagden, the procession marched again, passing through Quincy Hall over the aerial bridge into Faneuil Hall, where

about nine hundred persons sat down to a most sumptuous dinner, followed by toasts and songs, and shouts of exultation and of laughter, all with the most perfect sobriety, decorum, and order. The second toast, given by the President, Mr. Darracott, was my name, with the appendage of a fulsome and disgusting compliment. It was received with loud and universal shouting and huzzas, so mortifying that they totally disconcerted me. But I was doomed to make a speech, and muttered a few incoherent stammering sentences, without either a joke or a point to keep up the good humor. The shout and clapping that followed it was a substitute of civility for applause. President Quincy and the Mayor of the city responded better, and the orator of the day and Caleb Cushing better still. I left the table about seven o'clock, with President Quincy, and our departure from the Hall was honored with the farewell of three hearty cheers.

6th. I have heretofore held a correspondence with Mr. James H. Hackett upon Shakspeare's tragedy of Hamlet. I this day received a letter from him, dated London, August, 1839; on opening of which, the first thing that met my eye was, as I thought, my own letter to him of 19th February last, from Washington, but which on examination and on reading his letter I found was a lithographic copy of mine, which he says he had taken because he had lent the original to so many of his numerous friends and acquaintances that it had been nearly used up. The lithographic copy of my letter is so perfect a fac-simile that, if it had been presented to me as the original, I should have acknowledged it without an instant of hesitation as my own, but for a notification at the bottom of the fourth page, in characters so small as to be scarcely legible with the naked eye, that it was lithographed for Mr. Hackett. And with this letter there was a packet containing three lithographic portraits of himself—one in his own person, engraved for the New York Mirror in 1833, one in the character of Monsieur Mallet, and one in the character of Falstaff in "Henry the Fourth;" the only part in which I ever saw Mr. Hackett—and the tragedy of "Hamlet," published on the 1st of August, 1839—being part ten, one of the numbers of a pictorial edition

of Shakspeare now in the process of publication. It is a beautiful work, with twenty-six engravings, all illustrative of various passages in the play, and including views of Elsineur, of the Palace of Rosenberg, and Cronberg Castle—all peculiarly interesting to me from the associations left on my mind by the few days that I passed in the harbor of Elsineur in September, 1809. Mr. Hackett in his letter mentions also that he has very recently heard of an analysis by me of the tragedy of "Othello," and enquires where he can procure it. This extension of my fame is more tickling to my vanity than it was to be elected President of the United States. I pray God to forgive me for it, and to preserve me from falling in my last days into the dotage of self-adulation. There are indications enough of the censorial spirit of the world, and still more of its indifference, if I will but take note of them.

19th. I accomplished nothing but retrieving the arrears of this diary and drawing towards the close of a lecture enormously dull, upon education, to be delivered next Thursday afternoon, in Mr. Storrs's meeting-house, before the inhabitants of Braintree; a *corvée* from which I have not been able to escape, and which, together with other exactions of the same kind, depress my spirits, rob me of time which should be devoted to useful and pleasing studies, waste the small faculties which God has given me for better purposes, and gratify, by weak compliance with unreasonable requests, idle and foolish curiosity by the most thankless of labors. This is my deliberate judgment. Yet I have not firmness inflexibly to resist every such application, and the first of my duties is neglected. I suffer my vanity to be wheedled by flattery into a hope that these discourses will last; though no second edition of any one of them has been called for, from the oration at Quincy, in 1831, to the Jubilee of the Constitution, at New York, last April. I had intended to finish the one upon which I am now engaged to-morrow, but am so entangled with it that I fear I shall not be able to bring it to a close within one or two days more.

26th. I have chosen the Smithsonian bequest as my subject for a lecture to the Quincy Lyceum, which I last Wednesday promised Mr. John A. Green, now its President, to deliver,

"Deo adjuvante," on Wednesday, the 20th of next month. This subject weighs deeply upon my mind. The private interests and sordid passions into which that fund has already fallen fill me with anxiety and apprehensions that it will be squandered upon cormorants or wasted in electioneering bribery. The apparent total indifference of Mr. Van Buren to the disposal of the money, with his *general* professions of disposition to aid me; the assentation of all the heads of Departments, without a particle of assistance from any one of them, excepting the Attorney-General, Grundy, whose favorable opinion Cambreleng, at the last session, contrived to nullify; the opposition, open and disguised, of Calhoun, Preston, and Waddy Thompson, even to the establishment of the Institution in any form; the utter prostration of all public spirit in the Senate, proved by the encouragement which they gave to the mean and selfish project of Asher Robbins to make a university, for him to be placed at the head of it; the investment of the whole fund, more than half a million of dollars, in Arkansas and Michigan State stocks; and the dirty trick of filching the ten thousand dollars from the fund last winter to pay for the charges of procuring it—are all so utterly discouraging that I despair of effecting anything for the honor of the country, or even to accomplish the purpose of the bequest —the increase and diffusion of knowledge among men. It is hard to toil through life for a great purpose with a conviction that it will be in vain; but, possibly, seed now sown may bring forth some good fruit hereafter. In my report of January, 1836, I laid down all the general principles upon which the fund should have been accepted and administered. I was then wholly successful; my bill passed without opposition, and under its provisions the money was procured and deposited in the Treasury, in gold. If I cannot prevent the disgrace of the country by the failure of the testator's intention, by making it the subject of a lecture, I can leave a record for future time of what I have done, and what I would have done, to accomplish the great design, if executed well. And let not the supplication to the Author of all good be wanting.

28th. Mr. Albert Smith, of North Bridgewater, came with a

letter from Eliab Whitman, Chairman of the Town Committee of Whigs of that town, stating that for several weeks past their whole community has been disturbed and agitated by the discussion of political subects, and, as the annual State election approaches, the excitement increases, and pervades more or less the whole community; that the Democratic party, having been for several years past in a minority, have of late become exceedingly active in making proselytes, and that they have recently procured a gentleman to lecture on the currency, and that there is to be a second and a third lecture; that the Whig citizens of North Bridgewater have recently determined to meet their enemies in their own way, by a lecture touching the general features of the national Administration, and also those of this State; and that immediate application should be made to me to perform this service. He refers me for particulars to Mr. Smith, who for the last two years has been a representative of the town in the General Court, and urged me very earnestly to comply with this invitation.

I said to Mr. Smith that I was grateful for the confidence manifested by my fellow-citizens of North Bridgewater, and regretted that my engagements, and the short time within which it would be necessary for me to proceed to Washington, made it impossible for me to comply with their request. I said, further, that I approved generally of the principles and measures of the Administration of the State, and disapproved of almost everything done by the Federal Administration; but that I had always professed not to be a party man, and wished to preserve that character to the end; that I had sometimes supported important measures of the Administration against the general opinions of the Whig party; and that even now, upon the subject of the license law, to which they were devoted, I had already given the opinion that it would be desirable it should be modified. I made sundry other observations to show that some other person would be more suitable for this service than me. He then asked me if I could recommend any person; but I knew of none. He finally said he would go and consult Mr. Robert C. Winthrop; and I thought he could do no better.

29th. Fine autumnal day. My address on the Smithsonian bequest, in preparation for the Quincy Lyceum, as usual grows upon me as I proceed, and I fear I shall not be able to include the subject, as I propose to discuss it, in one lecture. My main object must be to prepare for action upon it at the approaching session of Congress, and to gather facts and arguments for a last effort to save the fund from misapplication, dilapidation, and waste. Mr. Minot Thayer, of Braintree, with Dr. Alden, of Randolph, and Mr. George W. Beale, came as a deputation of the three towns of Braintree, Randolph, and Quincy, from their joint committees, and informed me that at their meeting this day they had unanimously agreed to commemorate the second centennial anniversary of the incorporation of the town of Braintree; that the address should be delivered in the town of Braintree, and that I should be requested to deliver it.

I told them that I was very glad they had agreed that the commemoration should be held, and perfectly satisfied that it should be in Braintree. But I regretted that it would be impossible for me to deliver the address, inasmuch as the day would be the 25th of May, at the very busiest period of the session of Congress, when, upon full consideration, I had come to the conclusion that I could not be justified in absenting myself from my duty in the House of Representatives. Besides which, there was much information respecting the history and statistics of the three towns which the speaker for the day should be collecting through the whole succeeding winter, but which would be altogether impossible for me. Dr. Alden then said it would be quite immaterial that the discourse should be delivered precisely upon the day of the anniversary. If this should happen on a Sunday, it would necessarily be postponed till the next day, and if for one day, it might as well be postponed to any reasonable time. He asked if I would undertake to deliver the discourse on some day after the close of the session, next summer or fall.

I said I would; and they are to report this to the committee of the three towns.

30th. President Quincy called upon me this morning with a

subscription paper to raise two thousand dollars for the erection of an astronomical observatory at Cambridge, to be connected with Harvard University. He said he had made it a point of honor to offer this paper first to me; and I subscribed for one hundred dollars. The condition of the subscription was, that the amount subscribed should be at least two thousand dollars. He said he had no doubt of raising the money, and should subscribe one hundred dollars himself; that they had already fixed upon the spot for the building, and that Mr. Bond was engaged upon the work. This has been many years an object of earnest desire to me, and of long regret that I had not the means of founding such an establishment myself. I once offered a thousand dollars towards it; but the design was of a larger establishment, and the subscription could not be filled.

WASHINGTON, *December* 2d.—About eleven o'clock I walked to the Capitol, and found the hall of the House of Representatives swarming with members, old and new. After half an hour of mutual greetings, precisely at noon the Clerk of the last House of Representatives called the meeting to order, and said that, according to the established rule of usage, he should call over the roll of members, of whom he had formed a list, by States. He then began with Maine, called over the six New England States, and New York, and Joseph M. Randolph, of New Jersey. He then said that there were five other seats from the State of New Jersey, which were contested; and, not feeling himself authorized to decide the question between the contending parties, he would, if it were the pleasure of the House, pass over the names of those members and proceed with the call till a House shall be formed, who will then decide the question.

This gave rise to a debate, which continued until past four o'clock, when a motion was made to adjourn. The Clerk said he could put no question, not even for an adjournment, until the House itself should be formed. There could nothing be done but by general consent.

There was then a general call to adjourn; and, although one voice cried, "No!" and others called out to adjourn to eleven o'clock, the Clerk declared the House adjourned to twelve.

This movement has been evidently prepared to exclude the five members from New Jersey from voting for Speaker; and the Clerk had his lesson prepared for him. Under color of a modest disclaimer of the right to decide between the conflicting claimants, he sets aside the five members from their seats, and excludes them from voting at the organization of the House. It seems to have been supposed that this course would be acquiesced in by the whole House, for the Clerk was unprepared to meet the objection to it. His two decisions form together an insurmountable objection to the transaction of any business and an impossibility of organizing the House. He stops the call before a quorum of the House is formed, and then refuses to put any question until there shall be a quorum formed. The most curious part of the case is, that his own election as Clerk depends upon the exclusion of the New Jersey members. The debate itself was conducted with decency and moderation, but in its progress will doubtless elicit heat enough.

3d. When the House met at noon, Dr. Duncan was ready charged and primed for a speech; when Garland, the Clerk, addressed the House, saying that he had been aware of the extreme delicacy and difficulty of his situation, and asked permission to read a statement which he had prepared, assigning the reasons for the course that he had taken. Jenifer asked him if he had reconsidered his determination not to call the members from New Jersey whose seats are contested. The Clerk said he must persist in what he considered to be his duty.

Then arose a long day's debate on the question whether the Clerk's statement should or should not be heard—the Administration party without exception, and the noodles among the Whigs, being for hearing him, and all the rest against it.

Stanly, of North Carolina, directly objected to his making any statement at all.

Wise made a long speech to persuade the House to hear the statement—intimating that he wanted to hear what he had to say in justification of so extraordinary a procedure.

Cushing and Briggs were both willing to hear what the

Clerk had to say; but White, of Kentucky, protested vehemently against it, and supported his objection by a powerful speech, delivered with so much rapidity that I lost much of his argument in the indistinctness of his articulation.

Vanderpoel, Rhett, Cave Johnson, and Bynum made party speeches, frothy with the rights of the people, technicalities, and frauds, till after four o'clock, when a motion was made to adjourn—the Clerk still persisting in his refusal to put any question until the House should be organized, and Cushing telling him that he should not consider the House adjourned unless by a vote. The Clerk said he would judge upon inspection around him whether a majority of the members were in favor of adjourning; and then he declared the House adjourned, Cushing and others calling out, "A count! a count!" and Wise, as the members were rushing out of the hall, loudly saying, "Now we are a mob."

4th. Colonel Thomas came for gossiping. He said it was reported in the Madisonian of this morning that there had been a caucus of the Administration party to agree upon the choice of a Speaker, and that Pickens and Dixon H. Lewis had been nominated; but that Thomas H. Benton had attended the caucus, and protested against the appointment of either of them, because they had been Nullifiers; and read some of Jackson's blasting denunciation of the Nullifiers; that Joseph Jones, of Virginia, had then been put in nomination, and was carried by a majority of one vote. Benton's objection to Pickens and the Nullifiers is their connection with John C. Calhoun, whom Benton regards as a very adder in his way.

The House met again at noon, and the Clerk announced that Dr. Duncan, who had taken the floor at the time of adjournment, was now, by parliamentary usage, entitled to it. Mr. Wise said he had in his hand a resolution drawn up by one of his colleagues, now absent, Mr. Botts, who would himself have offered it if he had been present. He hoped it might reconcile all opinions, and asked Dr. Duncan to yield to him the floor for a moment to present it; which he did.

The resolution was, in substance, that the Clerk should proceed in the call of the members whose election was uncon-

tested; and, that being gone through, and a quorum of the House found, they should immediately proceed, before organizing the House, to examine and decide upon the claims to the contested seats.

This, of course, changed the subject of debate. Yesterday it was whether the Clerk should be permitted to make a statement of his reasons for stopping in the midst of the call of the roll, referring to the House the question whether he should pass by the members whose seats were contested, and then refusing to put to the House any question whatever, because the roll had not been called far enough to constitute a quorum. This day it was this resolution of Mr. Wise, which conceded the point made by the Clerk to pass over the members from New Jersey.

Hunt, of New York, offered as a substitute a resolution that the call should proceed, allowing the New Jersey members to vote; that the House, when formed, should choose a temporary Speaker, without power to appoint committees; that a Committee of Elections should be chosen by ballot, who should immediately examine and (decide) the claims to the seats, and the House, after settling the question, should proceed to elect a Speaker.

Graves offered a substitute for both resolutions, one directing the Clerk to proceed in the call of the New Jersey members who have the regular certificate of election from the Governor of the State. He replied by a very violent speech to one equally violent, made yesterday by Weller, a new member from Ohio. The debate was continued in a desultory manner by Hoffman, Pickens, Craig, D. D. Barnard, Cooper, of Georgia, Stanly, Wise, and Underwood. The speech of Barnard was admirable.

It came to be past four o'clock. Underwood, a very worthy, amiable man, troubled with the conceit that he is the very wisest of mankind, made a speech to show the absolute necessity of passing over the New Jersey members, and intimating that *he* had prepared a resolution which would settle all difficulties, but, as there was not now time for discussing it, he must move an adjournment.

The Clerk then said that he must correct a decision which he had made yesterday, that until a quorum of the House should be formed he could not put to the House any question whatever; but he had found last night in the Constitution of the United States that although a quorum of the House was necessary to do business, a smaller number was competent to adjourn from day to day. So he read the clause in the Constitution, and put the question of adjournment; which was carried.

I had evening visits from Abbott Lawrence, William Cost Johnson, and John Connell. Lawrence and Johnson were very urgent that I should address the House in this debate. Several other members had already requested the same thing. I now said that if I should speak at all I should address the House, and not the Clerk. I should call upon the House, and upon the majority of the House, to organize themselves as the first of their duties. Lawrence and Johnson both said they thought that would be the proper course.

5th. This day was beautiful, clear, and mild as a September's. As I walked to the Capitol, I met at the door Mr. and Mrs. John Sergeant and Mr. and Mrs. Stanly. Sergeant and Stanly both entreated me to take part in this debate. After I got into the House, several other members came to me with the same solicitation—among the rest Mr. Lawrence, and Graves, of Kentucky. Lawrence said he had talked with many members round his seat; all of them were desirous that I should speak, and all heartily sick of the situation in which the House was placed.

I asked Graves to procure me a copy of the resolution which he offered yesterday, and which was on the Clerk's table. He did so, and said Governor Reynolds would readily give me the use of his seat—a good one for being heard by the House. I preferred asking Mr. Lawrence for the use of his; which he cheerfully gave me. Underwood had opened the day's debate by a speech of an hour, in support of a long resolution, with a long preamble, importing the same thing with Rives's and Wise's resolution—that is, that the New Jersey members should not be called till the roll of the uncontested members should

be gone through, and that then their title to their seats shall be tried.

When he sat down, Philemon Dickerson, one of the contesting members, rose to speak. He had already attempted to speak yesterday, and had only been prevented by Barnard's refusing to recognize him as a member, when he interrupted him. This day Randolph got the floor, though Vanderpoel remonstrated against it, and he spoke at least an hour and a half in vindication of the conduct of the Governor and Council of New Jersey.

Immediately on his taking his seat, I rose, and said, "Mr. Clerk," and obtained the floor. I then turned to the House, and said, "Fellow-citizens, members elect of the Twenty-Sixth Congress of the United States." I showed them the necessity I was under of addressing them directly, the two decisions of the Clerk having rendered it impossible for the House to proceed at all unless by an appeal from the Clerk to them. I then called upon them, in the name of the people, of their country, and of mankind, to organize themselves. I offered, finally, the resolution yesterday presented by Graves, ordering the Clerk to call the members from New Jersey possessing credentials from the Governor of the State; and I declared my determination to put the question to the meeting myself. I said any member might offer an amendment to my resolution, which would bring the question before the meeting to an immediate issue.

Vanderpoel held out a paper, and said he had an amendment to offer.

Rhett then offered a resolution that Lewis Williams, being the oldest member of the House, be appointed Chairman of the meeting.

Williams rose, and objected to this proceeding as irregular; whereupon Rhett substituted my name for that of Lewis Williams, and put the question, which was answered by an almost universal shout in the affirmative.

Two members of the House conducted me to the chair. Whereupon Wise immediately offered the same resolution that I had offered to the meeting. Cave Johnson moved an

adjournment. Mercer had moved that the rules of the House of Representatives, so far as they are applicable to the condition of the meeting, should be adopted; which was unanimously voted. There was a call for the yeas and nays upon the question of adjournment, but Briggs objected that, the House not being yet constituted, the yeas and nays could not be counted; upon which tellers were called, and the adjournment was carried, by a vote of one hundred and three to ninety.

6th. Mr. Sergeant called on me this morning, and said that both parties had held caucuses last evening; that the Administration party were greatly exasperated, and many wild propositions had been presented, but none adopted. They had separated without coming to any conclusion. The opposition meeting had also been attended with much diversity of opinion, but they had finally come to the conclusion that there was but one course to pursue; and that was, to adhere to the Constitution, the law, and the established usage. As to the voting of the New Jersey members for Speaker, they had themselves scruples, but Sergeant thought they ought to vote.

I thought they should not; that the Administration would carry their Speaker even with the New Jersey vote against them; and I thought it would be most expedient to let them have their Speaker. When I reached the House, I was advised to take the chair at the precise moment of twelve, for there was some apprehension that the Clerk would, notwithstanding the proceedings of yesterday, attempt to preside again. But I had been in his chamber and examined the journal of the proceedings of the meeting hitherto, and had told him that they must be read this morning, to which he had assented. One of the boys of the House brought me a letter from Mr. Rhett. It was sealed, and addressed to R. B. Rhett. I told the boy to take it back, but he insisted that Mr. Rhett had told him to bring it to me. I opened it, and immediately found that it could not be for me. I was taking it back to him, when he came up to me and said the boy had taken the wrong letter. He took it back, and gave me the letter which he had written to me. It apprised me that there was great excitement at my appointment as Chairman of the meeting; that many persons

thought I should not act with impartiality, though he did not entertain that opinion himself, and hoped such apprehensions would not be realized.

Precisely at noon I took the chair, called the meeting to order, and directed the journal of the four preceding days to be read. Several amendments were proposed, discussed, and adopted. Mr. Wise's resolution was then taken up, and Mr. Rhett moved to lay it on the table, with a view to offer a resolution of his own. Mr. Rhett premised his resolution with a speech; upon which Biddle called him to order, upon the rule that motions to order shall be decided without debate. I said that the objection was correct in principle, but the practice of the House was otherwise: that always allowed the mover of a resolution to lay on the table to precede it with a speech. Rhett, however, was shamed out of the remnant of his speech, and said he would, without further observation, submit his motion.

Tellers were called for. I named Dromgoole, of Virginia, and Davis, of Pennsylvania. Dromgoole said he was willing to serve, but asked who he should count as members from New Jersey; there were ten persons from that State claiming seats, he knew not which were entitled to them, and was willing to count them all. I said he must count those who had produced the regular credential from the Governor of the State—the same as that upon which one member from the State had been called, according to the Constitution and law of the United States and the laws of New Jersey. Whereupon Vanderpoel started up, took an appeal from the decision, and charged the decision as a monstrous usurpation. This occasioned debate for the remainder of the day, till after four o'clock, when Duncan, of Ohio, took the floor, and moved an adjournment; which was carried. In this debate there was much vituperation, and much equally unacceptable compliment, lavished personally upon me.

7th. At noon I took the chair of the meeting, and the journal was read. Many amendments to it were proposed and discussed, and adopted. There was one proposed by Governor Lincoln, to add some of the words in which I gave the decision

yesterday. The journal had merely stated the decision of the Chairman, that the members who had produced the credential from the Governor of the State should alone be counted. I was satisfied with that; but I had said, "conformably to the Constitution of the United States and the laws of New Jersey," and Governor Lincoln thought it important that these words should be added to the journal. A long debate ensued, and the question was finally taken by tellers. I named Davis, of Pennsylvania, and Albert Smith, of Maine. Smith asked Dromgoole's question over again—whom of the claimants to the New Jersey seats he should count. But he did not add, as Dromgoole had done, that he would count every one who should present himself, unless otherwise directed by the House. I therefore said that if any person whose seat was contested should pass between the tellers, they should report the fact to the meeting. Smith then alleged that he did not know the members from New Jersey; but Randolph told him he would stand by and point out to him any one of them who should pass through. He then did act as teller, and they reported one hundred and six for the amendment and one hundred and seven against it. None of the New Jersey members passed through; and it is apparent from this vote that the choice of the Speaker will depend entirely upon the New Jersey vote. I took the occasion to address the House, assigning my reasons for the decision of yesterday and for giving a different decision to the tellers to-day. And I said that, believing there was on this occasion more heat than diversity of opinion, it was my most earnest wish to allay that heat, and to bring the meeting to a cool and deliberate decision on the questions before them. I said I considered my authority and duties in the chair confined to the single purpose of organizing the House; and as soon as the roll shall be called through, I shall call upon the House to elect a Speaker, and my functions as Chairman will be at an end. And as the choice of Speaker must, by the rule of the House, be made by nominal call and answer vivâ voce, when the members from New Jersey shall be called whose seats are contested, if they answer, it will yet be in season for any member to object to their votes being received or counted. I

referred to the case of the contested vote of Michigan at the last Presidential election, for a precedent of the manner in which this contest might be adjusted, and to the journals of the Confederation Congress, for a question upon the right to vote of two members from Rhode Island, varied eight or nine times to exclude them from voting, but upon every one of which they did vote.

After I finished my address, Rhett moved, he said, in conformity to my remarks, an amendment to the journal of Thursday, specifying that the appointment of Chairman was for the single purpose of organizing the House; which was adopted. Duncan, of Ohio, had the floor, but yielded it successively to several members, and at last made several attempts to yield it to Philemon Dickerson, one of the claimants to the seats against the credentials of the Governor; but so much opposition was made to this that they gave it up. Jenifer had moved a resolution that Mr. Dickerson, a claimant to a seat from New Jersey, having expressed a desire to address the House, that permission should be granted him by courtesy. But this did not suit them, and they gave it up for the present.

Duncan commenced his speech, and ranted and raved for two hours, till many of the seats, both in the House and in the galleries, for the first time since the session commenced, were vacated. He called up from the Clerk's table, and caused to be read, numerous returns and certificates of the elections, all ex parte, brought by the contesting claimants of the New Jersey seats. No objection was made to the reading of these papers at first; but after it had consumed about an hour, Graves enquired if the reading of them was in order. I said it was always allowed unless objection was made; but in that case it could only be with permission of the meeting. Halsted and Randolph stated that all these documents were taken without notice, and that they had certificates to the same effective points, of opposite import, regularly taken and with notice. White objected to the further reading of the papers. It was near four o'clock, and Craig moved an adjournment; which was carried.

8th. Before leaving the hall, I heard it said that the Conven-

tion at Harrisburg had nominated, by a large majority, William H. Harrison, of Ohio, as the candidate of the opposition to the re-election of Mr. Van Buren. Returning from the Capitol, Governor Lincoln said that Mr. Lawrence and he were desirous of having some conversation with me upon the present condition of our affairs; and I told him I would meet them at any time and place agreeable to them. I called at the office of the National Intelligencer, and spoke to Mr. Gales of the references to the journals of both Houses of Congress, and of the Confederation Congress, in my address to the meeting yesterday. They had not at the office the journals of the old Congress, and I sent the volume to him by the boy. He told me that the nomination of Harrison at Harrisburg was the triumph of Anti-Masonry, and was entirely the work of W. H. Seward, the present Governor of New York.

9th. Mr. Wise and Mr. Botts, two of the members of the House from Virginia, called upon me this morning to consult with me upon what is best to be done in the present crisis of affairs. I said that as Duncan was producing the testimony on the part of the contesting claimants, perhaps it would be best to let him go through with it—receive the testimony on the other side, and settle the question now. Wise had two letters, one from French, the under-clerk, and the other anonymous, he supposed from Sutherland, proposing expedients. French's letter was rather an exhortation to compromise. The anonymous letter recommended that I should assume all the powers of a Speaker of the House; in which I should certainly not be sustained. I said it was apparent from the vote taken on Saturday that there was an Administration majority of one vote without the New Jersey members, and most probably an opposition majority of one or two with them. They did not vote, and therefore Governor Lincoln's proposed amendment of the journal was lost. Wise said they would then reverse my decision upon the appeal. I said I supposed they would; but, then, they must decide who should vote for the people of New Jersey, or they must exclude five-sixths of that representation from voting at all. Wise said he had thought of withdrawing his resolution; in which, I told him, I should

readily acquiesce. He said it was the most knotty point he had ever met with in his life.

At the hall, I enquired of several members why the testimony should not now be received on both sides, and the parties heard, and the right to the seats determined at once; but I was told that the members with the Governor's credentials had not all their testimony ready, and must have time to take it; and when the debate upon White's objection to the further reading of Duncan's papers came on, Vanderpoel avowed that he should oppose the reading of testimony on the other side of the question.

The debate upon White's objections to the further reading of the papers continued about two hours, and then was decided by tellers—one hundred and six to one hundred and one in favor of the reading. Nearly two hours more were consumed in the reading. The last paper was a copy of the record of proceedings of the Governor and Council of New Jersey on the return of the members, the protest of the minority and the reply of the majority of the Council. This paper, certified by the Secretary of State of New Jersey, was delivered to the Clerk of the House only last Saturday.

Mr. Proffit, of Indiana, objected to its being read on that account. I said I considered the vote of the meeting on White's objection as equivalent to a permission to read what he pleased; and it was read. Underwood now offered his old proposition new vamped—giving up the part of the New Jersey representation, which Duncan said he was willing to accept; and, after four P.M., the meeting adjourned.

10th. Precisely at noon I took the chair of the meeting. The journal of yesterday was read. I stated the question under consideration at the adjournment of the meeting, and that the member from Ohio (Duncan) had the floor. He was not present; and Wise moved the previous question. Dromgoole moved a call of the House—which I decided could not be made, the roll of the House not being completed. Other dilatory motions were made to consume the time until Duncan should come in; but finally the previous question was taken, and carried, and upon the main question my decision was reversed, and it was

decided that the members from New Jersey who have produced the credential from the Governor of New Jersey should not vote.

I then referred to the meeting to determine who should vote for the people of New Jersey—which gave rise to another stormy debate; Duncan having in the mean time come in, and claiming the floor for the conclusion of his speech. A Babel of confusion followed, and multitudes of propositions, till I proposed to take the vote on Rhett's motion to lay Wise's resolution on the table—the tellers to count all who should pass through, and if any member from New Jersey whose seat was contested should pass, his name should be reported to the meeting to decide whether it should be counted or not. After much confusion, this was at last assented to; and the vote was one hundred and fifteen to lay on the table, and one hundred and fourteen against it. I voted against it; and, that making a tie, on the motion to lay on the table, I announced that it was not carried.

A question then was made on the right of Naylor to vote—a new question, which had not before been made. Naylor rose, and protested against the right of the meeting to deprive him of his vote; and I said I was of that opinion; upon which Turney took an appeal, and another scene of confusion ensued. A motion to adjourn was made, and the question taken by tellers—one hundred and sixteen for and one hundred and thirteen against adjournment; and I declared the House adjourned. There were three of the disputed votes on each side of the question; and when I left the chair, Mr. Yorke, one of the members with credentials, seemed to be under the impression that by deducting the votes on both sides their rights were affected, by being placed on a level with those of their adversaries; but I assured him I had no such intention. I said that had I deducted the three votes of their adversaries and counted theirs there still would have been a tie, and I should have voted for the adjournment.

11th. This morning Messrs. Sergeant, Wise, and Graves called upon me and mentioned that there had been last evening a meeting of the Whig members to consult upon what

was now to be done. A resolution had been adopted, offered by Briggs, that in taking the vote on Rhett's motion to lay Wise's resolution on the table, or on Wise's resolution itself, the tellers should report the *names* of any whose vote should be disputed for the decision of the House.

I said the resolution was general in its terms, but I had not considered it as including Naylor, because he had constantly voted, and his vote had never before been disputed. I had, therefore, decided that his vote should be counted, and there was an appeal from that decision, which was the first question for this morning.

Wise said, if my decision should be reversed the question would be still upon Naylor's right to vote, and the decision might depend on the manner in which it should be stated. It should be, Shall the vote of Mr. Naylor be excluded? That would require a majority to exclude. But should it be put, Shall the vote be counted? that would require a majority, and a tie would exclude him.

I said, if they had a majority to reverse my decision they would certainly insist that the question should be put, Shall the vote be counted? and if I should put it otherwise, the charge of usurpation would be renewed with double violence.

Wise said he thought he would move that Naylor's vote should be excluded, and vote against it himself, to have the question put in that form.

I said I had been reflecting what my duty would be if they should proceed to elect a Speaker excluding the five votes from New Jersey; and the question had occurred to me whether it would not be my duty to refuse to announce the choice, as unconstitutional and void, not being made by a majority of the members present, and to resign the chair, leaving it to the Clerk to announce the choice; then, on taking my seat, immediately offer a resolution declaring the right of the people of New Jersey to six members representing them in the House; that by authentic evidence exhibited to the House it appears that they have elected members to represent them, who are in attendance claiming their seats; that by the arbitrary decision of the House five of them have been excluded from their right

to vote; that no Speaker has been elected by a majority of the members present, and that the choice made is unconstitutional, null and void; and perhaps then to refuse to be sworn by the Speaker.

Sergeant said it would be perfectly proper to resign the chair, but not to refuse to be sworn. It would be impossible to bring the Whig members to unite and persevere in that. Wise said it would certainly not come to that. They could not bring their majority to vote for a Speaker excluding the votes of the New Jersey members.

We shall see.

At the Capitol, when at noon the meeting was called to order and the journal of the proceedings of yesterday was read, Wise moved an amendment, stating that when Albert Smith, of Maine, challenged Naylor's right to vote, Naylor challenged his in return. Smith said it was the fact, and he had no objection to its being entered on the journal; which it was. Then the first question was on my decision that Rhett's motion to lay Wise's resolution on the table was not carried, because there were one hundred and fifteen votes in the affirmative and one hundred and fifteen in the negative, counting Naylor's vote and my own, and Turney's appeal from it.

On this appeal, the tellers reported one hundred and twelve, including the five commissioned members from New Jersey, to sustain the decision of the Chair, and one hundred and eighteen, including four of the contesting New Jersey men, against it. Here were nine votes from New Jersey besides that of Randolph—as there had been yesterday two votes from the Third District of Pennsylvania. But, even allowing all the lawful votes to be counted, and rejecting all the unlawful votes, there still remained a majority of two against my decision; and I declared it reversed.

And now, upon Briggs's resolution of yesterday, I called for the decision of the House whether each separate contested name should or should not be counted. This was demanded by Cost Johnson and Wise. It was objected that the decision upon all the names would not change the result; but Briggs's

resolution was peremptory, and I determined not to be diverted from it.

The Furies here broke loose. Turney poured forth a volley of the foulest-mouthed invective; Thomas writhed in agony; McKay, of North Carolina, the Jerry Sneak of candid prevarication, raised a base pretension that Briggs's resolution referred only to two questions, of which this was not one.

But the call for the previous question had been seconded. I told McKay that he was too late with his objection; I could not suffer my hold upon the previous question to be loosened. It was taken, and carried; and the main question, Shall the vote of Naylor be counted? was carried in the affirmative—one hundred and nineteen to one hundred and twelve; and I announced that the House had reversed the decision of the Chair that the vote of Mr. Naylor should be counted, and had themselves come to the same decision, that the vote of Mr. Naylor should be counted.

Next came the question upon the vote of Aycrigg—ayes one hundred and seventeen, including four commissioned members; noes one hundred and twenty-two, including three of the certificated claimants; there were, of course, eight votes from New Jersey.

I said, "The Chair considers this vote unconstitutional;" upon which there was a new outburst of indignation. I repeated, "The Chair considers this decision as unconstitutional, inasmuch as more votes were received from the State of New Jersey than she was entitled to. But, the majority of this meeting thus informally constituted having so decided, the Chairman finds himself compelled to announce that the vote of Mr. Aycrigg cannot be counted." The question was then successively taken upon Maxwell, and then upon Halsted, Stratton, and Yorke, and they were in like manner excluded from voting. Then the question came upon the vote of Charles J. Ingersoll. He attempted five or six times to address the Chair, without success. At last he came directly in front of the Clerk's table, and said he wished to withdraw his claim to the right of voting at present.

I said, if the gentleman withdrew his claim to vote he was

not a member of the House, and had no right to address the Chair; upon which he slunk away. The question was then taken whether his vote should be counted; and not one member passed between the tellers (in the affirmative), and one hundred and thirty-three passed through in the negative. The question was then taken upon the votes of Cooper, Vroom, Dickerson, and Ryall. Not one passed between the tellers in the affirmative, one hundred and thirteen in the negative. I then announced that the decision by the Chair, that Rhett's motion to lay Wise's resolution on the table was not carried—there being a tie, one hundred and fifteen and one hundred and fifteen, including Naylor's vote—had been reversed, and in the process of reversal the meeting had decided that the vote of Naylor should be counted, which was precisely the decision the Chairman had made. I therefore declared that the decision of the Chairman was reversed, and the vote of Mr. Naylor was received. Upon which there was a general shout of laughter.

Wise's resolution being thus not laid on the table, he called the previous question upon it, and persisted in demanding it, though Pickens said he had another resolution to offer. The vote upon the second to the previous question was one hundred and thirteen to one hundred and thirteen—a tie; and I decided for it. The previous question was carried—one hundred and eighteen to ninety-seven; and on the main question the yeas and nays were called; and I said that the difficulty with regard to the question who should vote having been removed, the yeas and nays might now, by universal consent, be taken. Turney objected, but afterwards withdrew his objection. The yeas and nays were called, and were one hundred and fifteen to one hundred and eighteen. The resolution was thus rejected; though it would have been carried with the New Jersey votes. It was thus ascertained that an Administration Speaker cannot be chosen without excluding the commissioned members from New Jersey; and as they are excluded now, so they will be excluded to the end.

Rhett now offered his resolution, which was divided, and carried in both parts. Then Campbell, of South Carolina, moved a reconsideration. The reconsideration was refused

on the first part of the resolution, and before taking the question on the second part the meeting adjourned.

Just before the adjournment, I received an invitation from Edward Curtis, George Evans, Henry A. Wise, William J. Graves, and Edward D. White, the committee of arrangements for an entertainment to be given this evening by the Whig members of Congress to the delegates now in the city returned from the recent Whig Convention at Harrisburg for nominating a Whig candidate for the next Presidential election, and at which Convention William H. Harrison, of Ohio, was nominated for President, and John Tyler, of Virginia, for Vice-President. I beckoned to Mr. Curtis to come to me as I was leaving the chair, and requested him, with my respects and thanks to the other members of the committee, to state that, feeling much exhausted and somewhat indisposed, I must ask their excuse for not attending. I added that I had another reason, which I did not wish to have assigned; which was, that since I had held myself the office of President of the United States I had felt it my duty to abstain from all personal interference in the Presidential election. He asked if I could not send a sentiment. I thought it best to abstain.

12th. At the House, after the reading of the journal, Mr. Campbell rose, and said that, as the House had refused to reconsider the first part of Mr. Rhett's resolution, he would withdraw his motion for the reconsideration of the other part.

Randolph, of New Jersey, presented a protest of the five commissioned members from that State who were yesterday refused the right to vote, which he demanded should be inserted on the journal of the House. Thereupon a petulant debate, in which Bynum said that Randolph ought to be expelled for offering the protest. A great struggle against the reading of it; but it was read. Then another struggle to escape the question whether it should be inserted on the journal; finally decided by yeas and nays—one hundred and fourteen to one hundred and seventeen—that it should not. In the mean time the roll had been called, according to the first part of Rhett's resolution, excluding the members from New Jersey, and the House was constituted.

Then the second part of Rhett's resolution, that the House should try the contested New Jersey election *before* the election of a Speaker, was to be carried into execution. Dromgoole moved a committee of nine, to whom the papers and testimony should be referred to report; and, after another captious and fretful debate, this was carried, by yeas and nays—one hundred and eighty-three to eighty-four.

W. Thompson then moved a resolution that the committee have power to send for persons and papers and to swear witnesses, and that they should themselves be sworn; and made a speech.

Pickens offered a substitute—a resolution that the committee should be confined to the question who is entitled to the returns of election to the Twenty-Sixth Congress—and a subtle, jesuitical speech.

Holmes, of South Carolina, followed with an eloquent declamatory speech, and Rhett, with a speech in defence of his resolution, with a profusion of State-right doctrinal professions.

Lewis, of Alabama, moved a reconsideration of the second part of Rhett's resolution, to substitute Pickens's resolution in its place; and Crabb moved a reconsideration of the resolution for the appointment of a committee; whereupon the House adjourned.

13th. At the meeting of the House this morning, after the journal was read, Wise moved an amendment to it, reciting the protest of the five New Jersey members, which the House had yesterday refused to have inserted on the journal. The journal of yesterday therefore described the protest in general terms, without inserting it. Dromgoole objected to Wise's motion as not being in order. Then a captious debate of an hour and a half. I decided that the motion was in order. Dromgoole appealed from the decision, and, by yeas and nays, my decision was reversed—one hundred and five to one hundred and fourteen. By this reversal Dromgoole's objection to Wise's motion came to be considered. Petriken insisted that he had moved the previous question upon it an hour before, and said the country should know it. Underwood moved to lay the whole subject (on the table); and the House had involved itself in

such inextricable absurdity by reversing my decision, that the motion to lay the whole subject on the table was carried by a large majority—one hundred and fifteen to fifty-one. This is the second direct instance in which the House immediately after reversing my decision reversed its own. There were two motions for reconsideration: one, upon the second part of Rhett's resolution; and the other, upon that for the appointment of a committee. The first, after some sparring, was passed over, and the second was taken up for consideration. Wise soon said that if both parties would understand that the resolution for appointing a committee was reconsidered, he would offer a direct resolution affirming the right of the New Jersey men to their seats. After considerable altercation, this was agreed upon. I put the question of reconsideration, which passed unanimously. Wise then offered his resolution, and, after the call of the House, two hundred and thirty-four members present, the result was a tie—one hundred and seventeen to one hundred and seventeen; the five members from New Jersey being excluded, one vacant seat from Massachusetts by the death of James C. Alvord, one absentee from New York, Thomas Kempshall, and Richard Hawes, of Kentucky, sick in this city and unable to attend in the House. There was therefore a vote of eight majority of the whole House affirming the right of the New Jersey members to their seats, which they lost by this tie.

Immediately after the result was announced, Albert Smith, of Maine, rose, and moved that the House do now proceed to elect a Speaker, and then moved the previous question. A point of order was made, whether he could submit the two motions at once; and I decided that he could not. Another point of order was made, whether the motion now to elect a Speaker was in order while Rhett's resolution to try the New Jersey case before the election of Speaker was in force. I decided that the motion to elect a Speaker was in order, although the existence of the prior resolution might be a reason for voting against it. A succession of motions was then made, to adjourn, and for a call of the House, till midnight. The previous question upon Smith's motion was carried,

and the motion itself—that the House will now proceed to the election of a Speaker. Proffit, of Indiana, and Jenifer made long, vehement speeches, and Saltonstall a very ardent one, against the decision. Between eight and nine in the evening, Governor Lincoln came and urged me to leave the chair and take some refreshment. I asked him to take the chair for a few minutes; which he did. I went into the Clerk's chamber, and sent for a cup of coffee and two slices of buttered toast—which I took, and returned in about ten minutes to the chair. The majority voted down, by yeas and nays, every motion to adjourn, and for a call of the House, until close upon midnight, when a motion for adjournment was carried by one hundred and seventeen ayes to one hundred and nine noes. Eight members had already left the House. It is remarkable that if the one hundred and seventeen members who voted for the admission of the New Jersey members had all voted against Smith's motion to proceed to the election of Speaker, it could not have been carried; but the vote on it was one hundred and eighteen to one hundred and ten. The Judas was Rhett; and six others slunk away without voting. As I came out from the hall, I found our coachman, Thomas Dumphy, at the door, and he walked home with me. Graves walked with me part of the way. It was one A.M. when I reached my house.

14th. The journal of yesterday was made up by the Clerk without any consultation with me, and contained Mr. Wise's motion for the amendment of the journal of the day before, with the whole of the protest of the New Jersey members, word for word and letter for letter; and when the journal of yesterday was read this morning by the under-clerk, he read the whole of the protest, and not one word of objection to it was made from any quarter of the House. So much for the reversal of my decision yesterday. After the reading of the journal, there was a call of the House, which consumed about an hour, and the proceedings upon which were finally suspended before all the members in the city had appeared and answered to the call. White, of Kentucky, D. D. Barnard, and Mercer successively offered resolutions for trying over again the question whether the commissioned members from New

Jersey should be permitted to vote on the election of Speaker. Upon every one of them questions of order, previous questions, and appeals were taken, until, without deciding it, I referred one of them to the House itself. There was then a vehement struggle to force me to make a decision, evidently for the sole purpose of appealing from and reversing it. After long altercation upon points of order heaped upon one another, Barnard withdrew his motion, at the earnest request of Alford and Crabb.

Then commenced the voting for the election of a Speaker. I appointed as tellers George McKim and George N. Briggs, Gouverneur Kemble and John W. Crockett. The call on the members was made alphabetically. My name was first called, and I said, "Reserving all my rights of objecting hereafter to the election as unconstitutional and illegal, I vote for John Bell." The call went through. Mr. Yorke rose, and said he perceived his name had not been called; he demanded that his vote should be recorded, and he gave it for John Bell. Aycrigg, Halsted, Maxwell, and Stratton did the same. The whole number of votes reported by the tellers was two hundred and thirty-five—one hundred and eighteen necessary for a choice: one hundred and thirteen were for John W. Jones, one hundred and two for John Bell, eleven for William C. Dawson, and nine scattering; no majority.

The Clerk had already commenced the call upon the second vote, when Mercer moved a reconsideration of the tie vote of yesterday. I decided that it was not in order, the rule of the House applying in terms only to cases where there is a majority. Mercer appealed. I refused to receive his appeal till the call was gone through—which put him in a towering passion. After the call was gone through, I received his appeal, and my decision was sustained, by yeas and nays—one hundred and forty-seven to eighty-four. The third, fourth, fifth, and sixth trials to elect a Speaker followed, each occupying about one hour. The first Administration candidate was John W. Jones, the ruffian who so brutally bullied Fletcher in the last Congress. He had on the first and second trials received one hundred and thirteen votes, at the third, one hundred and ten; he was then

gradually deserted, and Dixon H. Lewis was run. The opposition candidates were—John Bell, twice; William C. Dawson, twice; and Robert M. T. Hunter, who began with one vote and finished with sixty-three. Adjourned just before nine P.M. I walked home in the rain.

16th. When I went to the House this morning, it was with a firm conviction that Dixon H. Lewis, the Silenus of the House—a Falstaff without his wit or good humor—would be chosen Speaker, probably at the first trial. At the sixth trial on Saturday night, Dixon H. Lewis had seventy-nine votes, and John W. Jones thirty-nine. These were the two divisions of the Administration party; united they made one hundred and eighteen votes, the precise number required for the choice of the Speaker. The opposition had rallied only sixty-three upon Hunter, and forty-three scattered all over the House. But the division in the Administration ranks was deeper than I had expected. Jones was the man of the Benton faction, and Dixon H. Lewis of the Calhounites—much to the discontent of Pickens, the mouth-piece of Calhoun in the House. At the seventh trial, this morning, of two hundred and twenty-nine votes Lewis received one hundred and ten—wanting only five to be chosen. The Whigs had agreed to run Bell again, and he had sixty-four votes, Hunter's number having fallen to twenty-two. At the eighth trial the whole number had increased to two hundred and thirty-two; Lewis's to one hundred and thirteen—lacking only four to be chosen. Bell had eighty, and Hunter only sixteen. At the ninth, Lewis, being in his seat, did not answer when his name was called; he did not want his own vote to tell against himself. Waddy Thompson buckled him down to it, by enquiring of the Chair if there was not a rule that every member of the House present should vote on every question. I said there were three rules respecting the right and obligation of members to vote: first, that every member *in* the House shall vote on every question, unless excused for reasons specially assigned; secondly, that no member without the bar at the call of his name shall be allowed to vote; and I said that, to reconcile these two rules together, it followed that it was the duty of every member in

the House to be within the bar at the call of his name; thirdly, that no member shall vote upon any question in the event of which he is immediately and particularly interested. On the reading of this rule there was a general titter through the House. Lott Warren, a member from Georgia, started forward and voted for Hunter. I said I had read the written rules of the House, but the practice of the House was not always the same as the written rules. The practice of the House was rigidly to exclude the vote of every member not within the bar at the call of his name, while the rule requiring every member in the House to vote was seldom or never enforced. Thompson said that he had not known that the member from Georgia had not voted, and that he was not the person to whom his enquiry had referred. Lewis said he had no objection to voting, and voted for Pickens. But at this trial he had only one hundred and ten votes, the desertion of him having already begun. Bell's vote, too, was reduced to thirty-three, and Hunter's increased to fifty-nine. At the tenth trial, Lewis left his seat, went outside of the bar, and did not vote. But the Administration phalanx was broken; he received only seventy-three votes, and the rest were scattered. Hunter had eighty-five. Lewis then requested that his name might be considered as withdrawn from the canvass; but the Administration forces could not be rallied, and at the eleventh trial, of two hundred and thirty-two votes Robert M. T. Hunter, of Virginia, had one hundred and nineteen, and was chosen. He finally united all the Whig votes, and all the malcontents of the Administration.

I then, upon receiving the report of the tellers, read it, and announced that Robert M. T. Hunter, having received a majority of all the votes given, was elected Speaker of the House. I requested Mr. Banks and Mr. Lawrence to conduct the Speaker to the chair, and Lewis Williams, the oldest member of the House, to administer to him the oath. My functions were at an end. I resigned to him the Speaker's chair, and retired to my seat, with an ejaculation of gratitude to God for my deliverance. At the motion of Wise, the House immediately adjourned; and I walked home with a lightened heart.

17th. At the meeting of the House this day, after the reading of the journal, the Speaker, Robert M. T. Hunter, made a short, modest, pertinent address to the House, in which he spoke of his independent position, declared that he would be the Speaker of the House, and not the Speaker of a party, and alluded to the duty of the House to enquire into, investigate, and reform abuses.

The first business now was to swear the members; but Dromgoole offered a resolution that the rules of the last House of Representatives should be adopted. The object of this was that, by the operation of the rule for the appointment of a Committee of Elections, the five members from New Jersey should be excluded from taking the oath. The oath expressly says that after the Speaker has been sworn the members shall all be sworn *before* proceeding to any other business. Cost Johnson objected to Dromgoole's resolution, as not in order. Williams moved to lay it on the table. The Speaker declined to decide the point of order, observing that the motion to lay on the table would have the same result. The vote was one hundred and sixteen to one hundred and sixteen, and the motion to lay on the table was carried by the casting vote of the Speaker. This vote of one hundred and sixteen to fly directly in the face of the law is a signal example of the temper of the Administration party in the House. The motion failed, however, and the members were called up by States and sworn.

When New Jersey was called, Randolph alone was sworn. The five other commissioned members presented themselves and demanded that the oath should be administered to them. The Speaker proceeded first to swear all the other members, and the delegates from the three Territories, and then stated to the House that in the administration of the oath a difficulty had occurred; that five members from the State of New Jersey had presented themselves with regular commissions from the Governor of the State; that if this had been a new incident, and there had been no previous action of the House concerning it, he should have sworn them without hesitation; but, the House having, in the course of its proceedings, decided by a tie that they were not entitled to their seats, he had thought

it his duty to refer the question of their being sworn to the judgment of the House, and to put the question, Shall these gentlemen from New Jersey be sworn?

Wise then moved a resolution that they were *not* entitled to their seats; and he said that he put the question in that form that by the negative pregnant they might have the benefit of the tie, which they had most unjustly lost by the form of the question as stated before. Dromgoole insisted that the Speaker himself had put the question in the form, Shall the commissioned claimants from New Jersey be sworn? but the Speaker said it had not been his intention to prescribe the form of the question. Craig, of Virginia, then offered the same resolution which I had offered at the last session of Congress; but it was declared not to be in order. The debate then turned upon Wise's resolution, and continued till past four o'clock, when the House adjourned. J. Sergeant made an admirable argumentative and eloquent speech, and Dromgoole a very elaborate and disjointed one. Rhett, unstable as water, involved himself in confusion worse confounded, and Briggs convicted him of one of his gross inconsistencies upon the spot.

I had intended to avoid all further participation in the debate, but Bond and Tillinghast came successively to my seat, and, in behalf of several members, urged me to address the House. I told them it would be of no avail. They said it might influence two or three votes; and if it should influence one it would carry the point. It perplexes me in the extreme. Waddy Thompson, of South Carolina, came and stated his willingness to offer a resolution of thanks to me for my services as Chairman; but I entreated him not to. In the rancorous and bitter temper of the Administration party, exasperated by their disappointment in losing their Speaker, the resolution of thanks would have been lost if it had been offered.

18th. At the House, the debate of the day, upon the resolution that the five commissioned members from New Jersey are not entitled to seats in the House, commenced with a long speech from Barnard against the resolution—less forcible than that which he had before delivered. He was followed on the same side by Rayner, a new member from North Carolina, who

declared himself a State-rights man and a Nullifier. He alluded to J. C. Calhoun as the head of that party, whom, he said, he had idolized, and over whom he mourned with lamentations as of David over Saul and Jonathan. His argument was sound, his impressions fervid, his delivery vehement. There is an obliquity of the reasoning faculty, a broken link in the chain of logical deduction, in every mind which can bring itself, or be brought, to the sincere belief of the nullification doctrines. But an ill-regulated mind may reason justly upon questions of right and wrong when its first principle happens to be right.

When Rayner finished, Charles Shepard, the North Carolina turncoat, rose to speak. Wise rose at the same time; but Vanderpoel first caught the Speaker's eye, and moved to lay the resolution on the table. A jarring question then arose who was entitled to the floor. I enquired of the Speaker whether, in the present condition of the House, with no rules yet adopted, the motion to lay on the table was not debatable. He said that, in the opinion of the Speaker, it was not. A decision evidently wrong, against which Bell immediately remonstrated, and other members manifested dissatisfaction. The Speaker said that, as experienced members of the House thought differently from him on the question, he would be glad if one of them would appeal from his decision, that it might be submitted to the House. But another question was made: whether, if the motion be to lay on the table the resolution that the New Jersey members are *not* entitled to seats in the House, it would not be equivalent to a resolution that they were. The Speaker decided (wrong again) that it would, and that he should swear them; whereupon Vanderpoel withdrew his motion to lay on the table. Charles Shepard made his prevaricating and equivocating speech; was answered by Waddy Thompson with sharp castigation and bitter personalities, which Shepard retorted, and Thompson rejoined, till past four, when the House adjourned.

Thompson repeated in the House what I had told him that Mr. Tancred had related to me in the House about the choice of an opposition Speaker and the dissolution of the Peel Ministry. I made a brief explanation; and, after the adjournment,

I borrowed the volume of Parliamentary debates of February, 1835, as I had before borrowed the volume of May, 1784.

19th. Before the meeting of the House, I examined at the library the second volume of the Parliamentary debates of the year 1835, and found that Mr. Peel and his Ministry did not immediately resign upon the election of Abercrombie, the opposition Speaker, which was by a vote of three hundred and sixteen to three hundred and six—the name of Tancred being among those who voted for him. Mr. Peel, the next day, announced to the House that, notwithstanding the failure of the Ministry to elect their Speaker, they thought it their duty still to continue in office. And they persevered about two months, till the 17th of April, when, after having been outvoted on several favorite measures, they resigned. I examined also other books, and was again strongly urged to take part in the debate, and with extreme reluctance came to the determination that I would. The case is desperate; every vote in the House is known, and there is a majority of eight or ten for expelling the New Jersey members from their seats. The poor result of anything that I can say will only be to add one more voice of remonstrance against the perpetration of wrong. I fear, too, not to do justice to the subject; to fail of presenting it in all its strength; to falter from inability in the cause of righteousness. My reliance must be upon the goodness of my God, and upon the trust that He will not forsake me. That He will in His own way turn to good the evil about to be done is now my only hope.

At the House this day, Wise had the floor upon his resolution, with a pledge that he would not renew Turney's motion for the previous question. He spoke for about two hours; and when he sat down, William Cost Johnson objected to the reference by the Speaker to the House of the question whether the New Jersey members should be sworn, as out of order, because it was unconstitutional and illegal.

The Speaker decided Johnson's motion to be out of order; from which he appealed.

There was long and bitter altercation to deprive Johnson of the floor and to smother his right to speak, till he told them

that if they meant to quit their character as a deliberative body for a game of rough-and-tumble, he would take a hand at that.

A motion was then made, and carried, that he be permitted to proceed; and he made a brief and, in my judgment, unanswerable argument to show that the duty of the Speaker to swear the New Jersey members was positive and peremptory, and that no vote of the House could release him from its performance. As he sat down, I rose from Mr. Lawrence's seat, which I had again borrowed, and obtained the floor. It was past four o'clock. There was a call to adjourn from all quarters. I therefore moved to adjourn; upon which the yeas and nays were taken, and it was carried by one hundred and seventeen to one hundred and seven—all the red-hot Administration votes being against the adjournment, and all the Whigs, neutrals, and Nullifiers for it. I went into the library, and transiently looked into Comyn's Digest, article Parliament. On returning home, I spent the evening in rumination, and in vain endeavors to marshal the topics of my to-morrow's address to the House.

20th. I went to the Capitol this morning at half-past ten, and in the library of the Supreme Court examined the British statutes at large for the mode of deciding contested elections. I looked over six Acts of Parliament—10 George III., ch. xvi.; 11 George III., ch. xlii.; 25 George III., ch. lxxxiv.; 28 George III., ch. lii.; 42 George III., ch. lxxxiv.; and 47 George III., sess. i., ch. i.—from 1770 to 1817. It is a complicated system, combining a designation of that by lot, by choice, and by exclusion, the ultimate result of which, after all, is chance; and chance is a more impartial arbiter than will.

When the House met and the journal was read, I had the floor; but a full half-hour was wasted in chicanery whether I should have it or not. The Speaker lacks the spirit of decision, and suffers questions of order to be piled one upon another till debate becomes interminable. I was compelled to maintain my right to the floor by pertinacity.

After I had proceeded in my argument about half an hour, Frank Thomas interrupted me, and, with a profusion of professions of respect, called me to order, and snaked up a new

question upon appeal from the Speaker, and moved that I should have permission to proceed *in* order—that is, interdicting me from speaking upon the only question which was in debate before the House.

A new, cut-throat member from Missouri, named Jameson, was not so candid; he was for refusing me permission to proceed at all. Here was another wrangling snarl of half an hour, when I was allowed to proceed and finish; after which there was a sparring debate of an hour between Rhett and Wise, somewhat to the disadvantage of the latter, Rhett having the address to shield his own gross prevarications by retorting upon Wise, and charging upon him the loss of the battle by bad management.

Evans, of Maine, then took the floor, and another wrangle of an hour succeeded, in which Chapman, of Alabama, with his gang at his heels, struggled to filch the floor from Evans, but did not succeed. He made his speech, and finally moved that the members of the House of Representatives present advised and requested the Speaker to administer the oath to the five commissioned gentlemen from New Jersey. Petriken sputtered against this form of the question, because it did not recognize the members present as a House. But his gang deserted him, and the question was put upon Evans's motion. There was a call of the House. Three couple paired off. Evans's motion was lost, by yeas and nays—one hundred and twelve to one hundred and sixteen; the majority being constituted by Pickens, Rhett, Griffin, Holmes, Sumter, of South Carolina, and Charles Shepard, of North Carolina. These same men effected the election of Hunter as Speaker—a flying squadron, who subsist by passing from side to side, with the perpetual prostration of all honest principle.

Hoffman immediately offered a resolution to adopt the rules of the last Congress, with the exception of the eleventh—the vivâ voce. Bell moved an amendment, to except also the forty-fourth and forty-fifth rules, about the previous question. An angry debate and sharp personalities ensued, till nine in the evening, when the House adjourned, by yeas and nays—one hundred and seventeen to one hundred and seven.

21st. At the House, the question came up on Hoffman's motion to adopt the rules of the last House of Representatives, with the exception of the eleventh, which prescribes that the officers of the House shall be chosen vivâ voce. Bell had withdrawn his motion to except also the rules relating to the previous question. Bell made a warm and eloquent speech to defend himself against the attack of Pickens upon him last evening, and he declaimed forcibly against the Executive influence upon the House—a theme upon which Pickens used to rave like a maniac, and upon which he now roars like a sucking dove.

The question of voting by ballot or vivâ voce was discussed by sundry stump-orators, to the corps of which Caleb Cushing now acceded. Hoffman's exception was struck out, and the rules were adopted in a mass. The House then proceeded to elect the Clerk; and Hugh A. Garland received one hundred and eighteen votes; Matthew St. Clair Clarke, one hundred and five; and R. C. Mason, nominated by Hopkins, of Virginia, eight. If the five New Jersey men had voted, there would have been a tie, and Garland would not have been chosen. He stands self-elected by the baseness of his treachery to his trust; he carried his election by the South Carolinians.

The next officer to be chosen was the Sergeant-at-Arms. The Whigs had determined in caucus to vote for William Jones, late Postmaster in this city, whose only claim was that he had been turned out of the post-office last spring. They had got Griffin, of South Carolina, to nominate him. Mitchell, of New York, came just before my name was called, and said they had agreed to vote for Jones. I knew of no misconduct of Dorsey, who was Sergeant-at-Arms of the last House, and I told Mitchell I would vote for no man nominated by Griffin. I voted for Dorsey; so did Cushing, but came to me shortly after and said he had voted so because I did; but Wise had been to him and remonstrated, because, he said, Dorsey used his office for electioneering. Cushing withdrew or changed his vote; but Dorsey was chosen—one hundred and forty-one to seventy-six. Everett then moved to postpone the further choice of officers, for the purpose of sending a message to the

Senate announcing that the House of Representatives had chosen Robert M. T. Hunter for their Speaker, and were ready to proceed to business; and then for the appointment of a committee on the part of the House to join with a committee of the Senate to inform the President that both Houses are assembled and ready to receive communications from him; carried, and adjourned at six P.M.

22d. There was no afternoon church-bell, and I had a day of bodily repose. Of mental repose I can enjoy none while witnessing the wrong that I cannot prevent, and suffering at once from the injustice of man and the chastising hand of Heaven —disease, bereavement, afflictions not to be named, and the temptations of the adversary to conclude, with Brutus, that virtue is but a name. Yet there is in Providence a "vis medicatrix"—a healing, repairing, redeeming hand. Let me never despair of its power, never be weary of well-doing. Perhaps the severest trial of righteousness is the patient fortitude which endures, without yielding to, the perverseness of mankind. In adversity, consider. I employed part of this day in preparing for the presentation of petitions and in assorting papers. Upon that most vexatious and portentous subject of slavery and the slave-trade, I am yet to fix upon the course it will be my duty to pursue. I see clearly that it is not for me to volunteer in bringing it forward, and as clearly that it will be impossible for me to steer clear of it altogether; it will be forced upon me. It will not be for me in walking to direct my steps; may they be directed from above!

23d. The business of the day was to choose a Door-keeper, Under-Door-keeper, and Printer. H. Everett, from the joint committee to wait on the President, reported that he had informed them he would send to both Houses of Congress a message in writing at twelve o'clock to-morrow. The usual message of meeting was received from the Senate, and another. For Door-keeper of the House there was a party strike. Joseph Follansbee, the Door-keeper of the last House, happens to be a New England man, and no partisan. A shark by the name of Dow wanted his place, but they could not carry it. The Carolinians voted for Follansbee, and he had one hundred and thirty

votes; Dow, seventy-three; and a man named Houston, fifteen. The Under-Door-keeper, John W. Hunter, and the Postmaster McCormick, were chosen by resolution, without nominal call. But the tug was for the Printer. Stanly moved a resolution that the printing should be done by contract to the lowest bidder. Anderson, of Kentucky, moved an amendment, which Stanly accepted, to suspend the execution of the order of last Saturday for the election of a Printer and raise a committee to cheapen the public printing and separate it from the newspaper press.

Then followed a snarling debate of five hours—questions of order; innumerable motions to lay on the table; previous questions; decisions of the Chair, and an appeal from one of them by Cave Johnson; crimination and recrimination in abundance on the score of economy; a call for the reading of a jesuitical report of McKay at the last session, made to the House, but never read, with resolutions, which Mr. McKay for a long time could not find, but which were at length produced. About six o'clock the House adjourned, having proceeded no further than the nomination of Blair and Rives, by Smith, of Maine.

24th. Immediately after the reading of the journal at the House, the President's message was delivered by his son. It took the Clerk upwards of an hour and a half to deliver it. The picture of the condition of the nation is of mingled light and shade; its foreign affairs in general are highly prosperous. The rest is a dissertation upon political economy, banks, currency, exchange, gold and silver, and an independent Treasury with the specie clause.

It is understood that this measure will now be carried. The mismanagement of the banks, and, above all, the suspension of specie payment by the Pennsylvania Bank of the United States, and most of the banks of Philadelphia, and south and west of that city, have excited the hatred and indignation of the people against those institutions to such an extent that the faction opposed to them have them at their mercy. The annual report of the Secretary of the Treasury on the finances, and several other Treasury reports, were also presented to the House. There was some discussion as to the number of copies

of the message to be printed, with and without the documents. They were finally ordered to be printed under the direction of the Clerk, and the remainder of the day was consumed in wrangling about the election of a Printer.

Dawson moved to postpone till the 1st of February the election of the Printer, and in the mean time to appoint a committee to enquire and report whether the expense of the public printing cannot be reduced. Hence a debate of altercation and mutual reproach, in which the principal speakers were Dawson, Samson Mason, Bond, and Rice Garland on the one side, and Vanderpoel and Bynum on the other. Charges of insincerity, hypocrisy, and of duplicity were bandied to and fro without stint or restraint. The journals of the House at the three sessions of the last Congress were ransacked for lists of yeas and nays, and the names of the voters were read over by Vanderpoel and Bynum. In the midst of his most furious vociferation, Vanderpoel brought down a shout of laughter upon himself by reading a list of his own party as voting for a resolution, which Rice Garland rectified by showing that their vote was for striking it out. And thus time wasted away, till Giddings, of Ohio, took the floor. Various attempts to adjourn had been made, without success, till Campbell, of South Carolina, moved that when the House should adjourn it should be till Friday; carried, by yeas and nays—eighty-eight to eighty-six. After which, about seven o'clock, the motion to adjourn was carried, by yeas and nays—eighty-six to seventy-nine.

25th. After dinner I received from Gales and Seaton the report of my speech in the House last Friday, taken in two parts—the first by Stansbury, and the second by H. G. Wheeler, the two best reporters who attend upon the House. The report of Stansbury is until I was interrupted by Frank Thomas's notable question of order, and Wheeler's is from the time when I resumed till I closed. I revised all Stansbury's report, and part of Wheeler's; both are good, but both omit the desperate struggle to take the floor from me before I began, and the infamous attempt of Thomas to put me down in the midst of my discourse. These were really the most interesting incidents of the day, and a true report of them

would be much more valuable than that of my speech. This was not what it ought to have been, nor was it satisfactory to myself.

In the New Jersey case the popular interest is all on our side of the question, and the popular favor is on the other.

I received this afternoon, from James F. Otis, a newspaper published at New York, called Brother Jonathan, in which is printed, announced as from the original manuscript, a poem by me, called The Vision, written in 1789 or 1790, while I was a student at law in the office of Theophilus Parsons, at Newburyport. It is nearly fifty years since I had seen this effusion of my early love, and on reading it now the first impression on my mind is, that I have never since written anything equal to it. But I had no copy of it myself, and knew not that a copy of it existed in the world. My next feeling was curiosity to know whence the publication now came, and through whose hands the manuscript had passed. This, I suppose, I can ascertain.

26th. Before dinner I visited President Van Buren, and while I was there the Vice-President, Richard M. Johnson, came in, with another Kentuckian, whom I did not know. Colonel Richard M., whose Vice-Presidential chair, it is said, is to be gently drawn from under him at the next Presidential election, appeared much elated at his success in effecting his passage over the snow-choked mountains, so as to reach this city the evening before last. He thought it a fair parallel to Napoleon's passage over the Alps. It cost him fifty dollars for extra carriage-hire, an inflexible determination to achieve what all the stage-drivers and inn-holders pronounced impossible, and sundry bumps in the head, having been twice overset.

Mr. Van Buren is growing inordinately fat. His son Abraham, lately returned from England, was with him.

27th. The House had been ten minutes in session when I reached the hall. I gave notice that I would, next Monday, ask leave to introduce a bill for the disposal of the Smithsonian bequest fund. I went to the Speaker's chair, and told him that my bill was in substance that which had been unanimously reported by the committee of the House at the last

session, and that I should move its reference to a select committee now. He asked me to name to him members whom I should wish to have on the committee. The House got into a snarl about the numbers of the President's message to be printed, and finally, upon a motion of reconsideration by Waddy Thompson, between three and four, adjourned.

28th. I wrote to Mr. James F. Otis, at New York, editor of the Brother Jonathan, requesting him to give notice to the public that the publication in that paper of my Vision was made without my knowledge or consent, and that I disclaimed all the initial letters of names in the notes; correcting the date of the composition of the poem, published as of 1792, but really of 1789 or the first part of 1790; and enquiring how, and from whom, he obtained possession of the manuscript. It is republished as a literary curiosity in Clapp's Evening Gazette of the 21st instant, at Boston. It is a fair specimen of what I would have been if I could. As a poet I have never surpassed it. My summit level, as a statesman, orator, philosopher, and proser, is of about the same elevation. I leave nothing to live after me but aims beyond my means, and principles too pure for the age in which I have lived.

I received a letter from the Secretary of the Navy, J. K. Paulding, enclosing an extract of a dispatch from Commodore George C. Read, Commander of the East India squadron, dated Macao Roads, 10th June, 1839, and announcing that the dysentery was in the squadron, and that the sick-list numbered more than ninety, and was increasing; a letter from A. W. Thayer, of Philadelphia, enclosing a newspaper puff of a lecture by Judge Conrad, slanderous upon the first settlers of Virginia and the Plymouth Pilgrims, to monopolize all the glory of humanity to the Indians for Penn and his Quakers—and Mr. Thayer urges me to enter the lists of controversy as the champion of the Pilgrims against Judge Conrad; a letter from Benjamin Hallowell, President of the Alexandria Lyceum, inviting me to deliver a lecture before them, between this and the 4th of next April; a letter from Freeman Hunt, editor of the Merchants' Magazine, a monthly periodical published at New York, earnestly soliciting an article from me for that

work; a letter from J. B. Pleasants, a Quaker, dated Gould's Branch, 23d December, enclosing a long letter to Noah Webster about an article in the National Intelligencer of the 10th instant, concerning the English translation of the Bible; I cannot tell what this honest Quaker would be at, and he appears to know as little himself; a letter from George L. Curry, President of the Boston Mechanic Apprentices' Literary Association, requesting, for the disposal of the institution, a copy of the address to its members with which I concluded my lectures on the Smithsonian bequest; a letter from Frederic Smith, Amoskeag, New Hampshire, and one from William H. Cobbs, Boston, asking for autographs. A specimen of one idle day's correspondence.

29th. Heard Mr. Wood. The afternoon text was from 1 Timothy iii. 16: "God was manifest in the flesh." The auditory consisted of less than fifty persons, and the discourse was not equal to the theme. The occurrences at the birth of Jesus are partly facts of common occurrence, and partly miraculous to the severest trial of faith. A carpenter and his wife going to be taxed as tributary slaves to Augustus Cæsar; the woman falls in labor in the stable of an inn; the child is born and laid in a manger; they lived at Nazareth, a mean and despised town of Judæa; they were going on foot to Jerusalem, and the child was born at Bethlehem, a small village a few miles distant from that place. In the compass of human existence can anything more lowly without dishonor be imagined, as high and low are estimated in the world? Yet this event is announced by an angel from heaven to a few shepherds watching their flocks by night in that neighborhood. The heavenly host, with shouts of exultation, proclaim to these shepherds the infant laid in the manger to be the long-promised Messiah, the Anointed, the Saviour; and this connects Him with all the predictions and all the promises of the ancient covenant, at least from the time of Abraham. Nothing can be more natural and credible than the historical part of the story; but why this preternatural angelic communication to a few solitary shepherds, which, when related by themselves, was evidently not believed? Here is a subject for eloquence of the highest order, for pathos, for imagination,

for logical argument, for all the intellect of Paul, and all the ecstatic fervor of the beloved apostle. Mr. Wood was cold, and tame, and Presbyterian.

30th. On the reading of the journal of this morning, the standing committees of the House were announced—John W. Jones Chairman of the Ways and Means, Francis W. Pickens of the Foreign Affairs, and the whole organization as subservient to the Executive Administration as if the appointments had been made in the President's Cabinet. So much for Mr. Robert M. T. Hunter's independent position. He has followed the footsteps of his illustrious predecessors in appointing me Chairman of the Committee of Manufactures—a station merely ostensible, and therefore suiting my convenience. I desire no other, and particularly not to be Chairman or a member of any of the laborious committees.

It was expected that the States would be called this morning for petitions; but Wise moved a suspension of the rules to offer a resolution that to every abolition petition, resolution, or paper that should be presented to the House there should be considered an objection to its reception, and the motion for its reception, and the motion should be laid upon the table without debate. The vote for suspending the rules was one hundred and nine to seventy-seven—not two-thirds; whereupon Rice Garland, of Louisiana, moved to suspend the rules to offer three long argumentative resolutions terminating in the same result—the rejection of all abolition petitions.

I asked if he meant that these resolutions should be debated; for if the House would allow that, I would vote for a suspension of the rules.

Garland said he had offered them without consultation with any one.

I said I could not trust the House with the previous question, and voted against the suspension of the rules. The vote was one hundred and seven to eighty-two.

Duncan, of Ohio, then offered a resolution that the five claimants to seats from New Jersey with the certificate from the Secretary of State should be sworn as members.

Sundry propositions were made to get the case before the

Committee of Elections, and the Speaker presented a packet of depositions which he had received on the subject.

I said the proper course would be to instruct the Committee of Elections to enquire and report to the House who were elected members from New Jersey, and that they have leave to send for persons and papers.

This did not suit the tie majority, who intend to let in the spurious members, as they ejected the true ones, without a trial.

I introduced my bill concerning the Smithsonian bequest, which was read twice, and referred to a select committee of nine. The Speaker told me he meant to put Dixon H. Lewis upon the committee.

31st. An hour and a half of the time of the House was consumed in motions to amend the journal. First, of yesterday, by striking out the specification of Duncan's motion, that the Speaker should swear the certificate claimants of the New Jersey seats—which the Speaker pronounced out of order; from which decision Duncan appealed, and the Speaker's decision was sustained. The motion to strike out was rejected, by yeas and nays—seventy-two to eighty-three.

Next, by inserting in the journal of last Friday the specification of a motion made by Jameson, of Missouri—which the Speaker declared out of order; from which decision Jameson appealed, and the Speaker was sustained by the House.

The Speaker said it was too late to move an amendment to the journal of last Friday; and so has always been the practice; but Jameson appealed to the words of the rule, which are not limited, and worried him into the admission of his motion to amend, and it was carried, by yeas and nays—eighty-seven to eighty-five.

Coles, of Virginia, then moved a suspension of the rules to offer the second part of Atherton's gag-resolution of the 12th of December, 1838, for the exclusion of abolition petitions. The vote for suspension of the rules failed—eighty-seven to eighty-four; whereupon Wise moved a suspension of the rules to offer the same resolution which he had proposed to offer yesterday, and said he would make the same motion every day throughout the session.

I objected to it as not in order, but the Speaker decided that it was. Bynum appeared to be very indignant with Wise, and advised me to appeal from the Speaker's decision; but I knew he would be sustained. Wise's resolution was lost—eighty-seven to eighty-five; and then Chinn, of Louisiana, moved to suspend the rules to offer a resolution that all the abolition petitions that may be presented shall be referred to a select committee. The vote upon this was one hundred and twelve to sixty-six, showing a decided majority of the House for referring the petitions, but not a sufficient number to suspend the rules.

Smith, of Maine, and others, called sturdily for the orders of the day, which the Speaker declared to be the calling by States for the presentation of petitions; but Sergeant moved a suspension of the rules to offer a resolution that the daily call for petitions, limited by a rule of the House to the first thirty days of the session, should be in force twenty days from this day.

Some of the slave-holders vehemently resisted this, and Bynum sounded the trumpet for the rights of the South. Stanly, Jenifer, and W. Cost Johnson gave him a severe castigation, to which he was exceedingly desirous of replying. But Rice Garland moved the previous question, and inflexibly refused to withdraw it. The rules were suspended, and Sergeant's resolution was adopted. It was by this time between three and four o'clock, and, after a struggle to adjourn over till Friday, without taking the yeas and nays, it was carried.

January 1st, 1840.—From eleven in the morning till four P.M. there was a succession of friendly visitors, as has been usual on the New Year's day since we left the President's house. Neither my wife nor Mary received visitors, and I was left to entertain the ladies as I could. This ceremony grows more and more irksome to me every year. The young and the prosperous may take pleasure in the recollections of the past and the anticipations of the future which associate themselves with the commencement of the year; but the idea which ought first and last to present itself to the mind of one who has already passed through so many New Year's days as I have, is the great probability that it will be the last.

Among the visitors of this day was General Scott, who has been recently talked of as a Whig candidate for the office of President of the United States. William H. Harrison was, however, preferred both to him and to Henry Clay. A very curious philosophical history of parties might be made by giving a catalogue raisonné of the candidates for the Presidency voted for in the Electoral Colleges since the establishment of the Constitution of the United States. It would contain a history of the influence of the Presidential office upon the Government of the United States, and the reaction of the Government upon the President's office. Would not the retrospect furnish as practical principles in the operation of the Constitution—1, that the direct and infallible path to the Presidency is military service coupled with demagogue policy; 2, that, in the absence of military service, demagogue policy is the first and most indispensable element of success, and the art of party drilling is the second; 3, that the drill consists in combining the Southern interest in domestic slavery with the Northern riotous Democracy; 4, that this policy and drill, first organized by Thomas Jefferson, first accomplished his election, and established the Virginia dynasty of twenty-four years, a perpetual practical contradiction of its own principles; 5, that the same policy and drill, invigorated by success and fortified by experience, has now placed Martin Van Buren in the Presidential chair, and disclosed to the unprincipled ambition of the North the art of rising upon the principles of the South; and, 6, that it has exposed in broad day the overruling influence of the institution of domestic slavery upon the history and policy of this Union? How this power may be counteracted is no deep mystery; but I have not time to set the machine in motion, and shall say nothing about it, but leave it to posterity to wait the good time of the Lord. Meanwhile, the consummation of the peace and alliance between Van Buren and Calhoun was manifested by the appearance of Calhoun this day at the New Year's gathering at the President's house.

3d. At the House, immediately after the reading of the journal, Jenifer rose, and referred to the publication in the

Globe of Tuesday evening of a report of the debate in the House that day. Bynum had proclaimed that the rights of the South had been assailed by Chinn's motion to suspend the rules for a resolution to refer the abolition petitions to a select committee. For this inflammatory appeal to the South, W. Cost Johnson, Jenifer, and Ogden Hoffman had scarified Bynum severely. Rice Garland then moved the previous question. Bynum asked him to withdraw it, that he might reply to the personal attack of three members upon him. Garland refused; and Bynum said it was the practice of the party to get three or four *bullies* to insult a gentleman in the debate, and then to deny him the opportunity to reply. Jenifer said that he had not heard the use of the term *bullies* in Bynum's remarks, and, if he had, should probably not have noticed it; for ever since the memorable 7th of June, 1836, *he* had made it a point of honor never to notice anything said by that member. But here was a publication in the Globe, in which Bynum was said to have charged him with being a bully; three days had passed over, and it had not been disavowed. Jenifer then lowered the tone of his voice, and I did not hear what he said; but Bynum heard, and smarted under it. He avowed the use of the word "bullies," and said his remarks had been correctly reported in the Globe; that he had used the word "bullies" in a political sense, and if it was offensive they might substitute the words "political champions;" that ever since the 7th of June, 1836, he, on his part, had made it a rule to notice nothing said in the House by Jenifer; but if he meant to insinuate that on that occasion there had been any the slightest deviation by him from the point of the most punctilious honor, he denied it, and defied him.

Stanly then rose, and said that at the last session of Congress he had made remarks with the express intention of insulting Bynum, and had told him and the House so at the time; that Bynum had blustered much about what he would do out of the House, but he (Stanly) had never heard a word from him on the subject from that day to this.

Here the Speaker interposed.

Stanly told Bynum that he was a beggar of his life and of

whatever character he had left, and Bynum told Stanly he was a puppy.

Whereupon Keim pronounced a flatulent panegyric upon W. W. Potter, who died last summer, and offered the usual resolutions of deep sensibility, and to wear crape thirty days; and the House adjourned.

4th. There was a partial meeting of the members of the Massachusetts delegation to the House of Representatives, in the chamber of the Committee of Manufactures. Present, Briggs, Calhoun, Cushing, Lincoln, Reed, and myself; Lawrence and Saltonstall are gone home; Hastings, Parmenter, and Henry Williams absent. There were two questions considered—1. By whom the decease of James C. Alvord, the Representative elect from the Sixth Congressional District of Massachusetts, should be announced to the House; and, 2. What disposal should be made of the several sets of resolves of the Legislature of Massachusetts adopted last spring, after the close of the session of Congress; copies of which have been received by us all from the Secretary of the Commonwealth.

After some discussion, it was agreed that Mr. Calhoun was the most proper person to announce the death of Mr. Alvord, having been much acquainted with him personally, and representing the district adjoining that for which he had been elected. And as to the resolves, it was agreed that I should present one set of them, whichever I pleased, and distribute the others to be offered by other members of the delegation as I should designate.

In the House, G. Evans, by leave, introduced a bill making a partial appropriation for the support of Government for the year 1840—the bill for paying the members of both Houses their compensation, and the officers and expenses of the Houses. This bill is usually introduced by the Committee of Ways and Means, and passes through both Houses like a flash of lightning. But the Chairman and sundry members of the Committee of Ways and Means are gone for Christmas holidays, and the committee have not yet had a meeting. So Evans introduced it by his own authority. It was twice read, referred to a committee of the whole House on the state of the Union,

Linn Banks in the chair, reported to the House without amendment, engrossed for a third reading, and passed, all within a quarter of an hour.

Ramsey, of Pennsylvania, moved a suspension of the rules to present a petition from Philadelphia against the election of Charles Naylor. The vote upon the suspension of the rules was one hundred and eighteen to sixty-seven—not two- (thirds). Then came Waddy Thompson's motion to reconsider the order for five thousand copies extra of a map of Florida, appended to the report of the Secretary of War, accompanying the President's message. It appeared that the Clerk of the House had given the engraving of this map as a job to Langtree, the editor of the Democratic Review. After some crimination and recrimination between Thompson and Banks, in which Cave Johnson, Graves, and Smith, of Maine, took part, the order for the five thousand copies extra of the map was reconsidered without a division, and then, at the motion of Banks, was laid on the table.

Jameson, of Missouri, pronounced his obituary panegyric on his predecessor, Harrison, who died at home last summer, and offered the usual funerary resolutions, including one to adjourn; so that Mr. Calhoun had no opportunity to address the House.

6th. I went to the House; found there Mr. Abbott Lawrence, returned last night from Boston. Osmyn Baker is elected by the skin of his teeth to represent the Sixth Congressional District of Massachusetts. The State Legislature met on New Year's day, and at the first ballot elected Robert C. Winthrop Speaker of the House, by a vote of two hundred and thirty-nine to two hundred and thirty-seven, of which two hundred and twenty-one were for Nathaniel Wood. In the Senate, D. P. King, of Essex County, was, at the third ballot, elected President. It was yet uncertain whether Marcus Morton has been elected Governor, or whether the scattering votes were in number sufficient to take away his absolute majority. Lawrence said they would repeal the fifteen-gallon law and set me up for Governor next year. They will lose the election if they do. But it is my duty to know that I am not fit for that office.

Immediately after the reading of the journal, Mr. William B. Calhoun announced the decease of James C. Alvord, member elect for the Sixth Congressional District of Massachusetts. There was so much confusion in the House that I could not hear a word that he said, and, while he was offering his resolutions, Duncan, of Ohio, took the floor from him to ask a suspension of the rules for him to present a resolution that all the papers relating to the New Jersey election be referred to the Committee of Elections, with instructions to enquire and report to the House who are the members duly elected from that State.

This is the very measure that I had suggested when the subject was last before the House, and when Duncan's motion was to request the Speaker to swear in the spurious New Jersey members. But Duncan is gravid with a speech, and must have it out. He withdrew his motion, however, to suspend the rules; and Calhoun's resolutions honorary to the memory of Alvord, including the adjournment of the House, were passed without opposition.

Mr. Chinn, of Louisiana, came to my seat, to converse with me upon his late proposal to refer all the abolition petitions to a select committee. I urged him to persevere in it, but he wished me to be the Chairman of the committee—which I assured him was impossible. Wise came also, to enquire if there could not be some compromise between him and me with regard to these petitions.

I told him, good-humoredly, that the only compromise that I could listen to was, that all the petitions should be received, considered, referred to committees, and answered.

7th. At the House, John Campbell, of South Carolina, Chairman of the Committee of Elections, moved resolutions that all the papers relating to the contested New Jersey election should be referred to that committee, and that notice of this reference should be served upon the ten claimants of the five New Jersey seats.

But Bell, of Tennessee, offered, as a privileged question, a resolution that the five claimants having, not the commission of the Governor, but a certificate from the Secretary of the State

that they had the majority of all the votes returned, were not entitled to seats in the House. He raised this as a privileged question from the fact, of which he said he had been informed, that these persons had been from the commencement of the session in constant attendance upon the House, occupying seats with their names on the desks, exercising the franking privilege, and receiving stationery from the officers of the House.

There was much dodging and skulking, and equivocating, to avoid the question in this form, till at last Vanderpoel said he was authorized to say that since the decision of the House against the commissions of the Governor the adverse party did not claim a right to sit at present as members.

A dirty trick was then tried, to get Campbell's resolutions admitted for consideration by general consent—when Cave Johnson sprung the previous question upon them. This was defeated by Rice Garland.

I had moved as a preliminary resolution to those of Campbell that the Speaker be directed to inform the Executive Government of New Jersey that the commission issued by the Governor to the five members from the State had been rejected by the House. I had suggested this resolution to Randolph. The rules were suspended to receive Campbell's resolutions, for which Bell immediately moved a substitute, in which, at Randolph's request, he introduced my motion, that the Speaker should inform the Governor of New Jersey of the rejection of his commissions. Duncan took the floor, and the House adjourned about four o'clock.

8th. At the House, Bell's substitute for the resolutions offered by Campbell, as Chairman of the Committee of Elections, was the business of the day; but Duncan, of Ohio, had the floor, and was delivered of the three hours' speech with which he has been laboring ever since he lost the floor by tardiness of attendance at the meeting of the House. Duncan is a Democrat of the rabid species, violent and furious, and always exposing his nakedness without reserve. He seizes instinctively the points of a discussion which bear upon popular intellect and feeling, and fills them with a rattlesnake's venom. He is persevering and laborious, collecting with the industry of an emmet

multitudes of facts trifling in themselves, but to which he gives weight by cumulation. His application of facts to principles is cunning and ingenious, but with so total a disregard to truth that of this he seems to have no moral perception. He can hardly be charged with wilful falsehood, for his passions have deluded him before they attempt to pass their deceptions upon others. His abuse of the Governor and Council of New Jersey in this speech was sublimated by the dread of my motion that the Speaker should inform them of the rejection by the House of the Governor's commissions. He charged them with treason; said he was no friend to capital punishments, and doubted the right of Governments to take the lives of men, but that if any men upon earth deserved to be executed, it was this Governor and Council of New Jersey. He said he rejoiced at their re-election this year, though a majority of four thousand of the people of New Jersey were against them; because the Democracy, in the midst of their triumphs, wanted some slight check to keep the spur on their vigilance. He wandered to the Harrisburg Convention, discoursed about prayer, and cited numerous cases of prayer by the patriarchs and prophets in the Bible.

Thus he completed his three hours; after which Botts, of Virginia, took the floor for a metaphysical speech. There was some wrangling about the references of certain parts of the President's message to committees, and about four o'clock the House adjourned.

9th. At the House, Mr. Saltonstall appeared, returned last evening from his Christmas and New Year's visit to Salem. No appearance yet of the reception of petitions; but Mr. Abbott Lawrence obtained the reference of a memorial upon the present condition of our commerce with China to the Committee of Foreign Affairs. An explosion of opium-smuggling in that country has brought the Celestial Empire in collision with John Bull and the British Government, who threaten to blockade all the ports of China. This has grievously alarmed our merchants, who thereupon memorialize Congress for protection.

The report of the Committee on the Revisal of the Rules was

the special order of this day at one o'clock; but Mr. Botts, of Virginia, had the floor, on Bell's substitute for Campbell's resolutions on the New Jersey election, and, to accommodate him, the consideration of the report of the committee on the rules was postponed, and the temporary adoption of the old rules was continued till next Tuesday. Botts made a powerful and eloquent speech of more than two hours, but in which, with the true Virginian maggot in his head, he took the position that there was, and could be, no contested election, because there was no law, either of Congress or of the State of New Jersey, for regulating contested elections. He said there had been an Act of Congress passed in 1798 for two years, continued in 1800 for four years, and then suffered to expire; and he argued that since then there could be no contested election from New Jersey. But there is a law in New Jersey for regulating elections, and the Constitution of the United States makes that, quoad hoc, the law of the Union, so long as Congress itself makes no law on the subject. And then the House, by the constitutional power to judge of the returns, qualifications, and elections of its members, decides the contest of which party has been duly elected conformably to the statute law of New Jersey. There was thus a crack in the corner-stone of Mr. Botts's argument; but the superstructure was fair and solid. He scourged Duncan, of Ohio, and Smith, of Maine; but they have the skin of the rhinoceros. When he closed, Randolph, of New Jersey, took the floor; but, though a sensible man and not a bad speaker, he was so much less interesting than Botts that the House grew impatient, and the members slunk away till there was scarcely a quorum left. Mr. Randolph sent to the Clerk's table sundry affidavits to be read, and they became so tedious that three successive motions to adjourn were made and taken, by yeas and nays, the last of which, after four o'clock, succeeded.

10th. At the House, Mr. Bell's substitute for Campbell's resolutions was resumed by a speech from Smith, of Maine, in answer to Botts, followed by Starkweather, of. Ohio, and he by Clifford, of Maine—all against the commissions of the Governor of New Jersey. Clifford introduced as a part of his

speech the paper which the Clerk, Hugh A. Garland, had prepared, and attempted to produce for his own vindication at the commencement of the session. The election of a Printer had been made the special order for this day at one o'clock; but, Starkweather having taken the floor, and being in the midst of a flaming speech, a question was made that the unfinished business took precedence of special orders, and the Speaker so decided, against the practice of the House of late years, though a decision to the same effect by Mr. Bell when Speaker was produced. Giddings, of Ohio, appealed from the decision, and there was a confused discussion upon it. The Administration party were evidently determined not to go into the election of Printer this day, for it seems some of the members on whose votes they depend are absent. Wise, who has the Speaker under his special protection to avoid appeals from his decisions, is always interposing to have the questions brought up in other forms; he prevailed upon Giddings to withdraw his appeal, but it was immediately renewed by another member. Then the previous question was called and seconded, and my name was about to be called, and I enquired what the decision of the Speaker was; for a distinction had been taken between a special order of the day and a postponement of a debate to a day certain, which I did not understand, and of which I asked an explanation. But the appeal was again withdrawn, and the yeas and nays were not taken. So the decision of the Speaker stands, and henceforth the unfinished business takes precedence of all special orders. The result will be to increase the arbitrary power of the majority, who will always stop the debate upon unfinished business by the previous question when it suits their purpose, and always consume the day on the unfinished business when they wish to postpone the special order. The Clerk's dissertation upon the Lex Parliamentaria was not half read through when the House adjourned.

11th. At the House, the day began by the Clerk's reading the remainder of his dissertation upon the Lex Parliamentaria concerning contested elections, as a part of Mr. Nathan Clifford's speech. The reading took about half an hour, and the remnant of Clifford's speech two hours more. Clifford is ap-

parently a fluent young lawyer, who has made himself a reputation by much speaking and by speaking much. What he said to the purpose might have been delivered in five minutes; but he discoursed by chapters and sections, producing vouchers, documents, and authorities to demonstrate what no one denied —to set up men of straw as his adversary champions, knocking them down as formidable opponents, and crowing over the victories he achieved. There is not so much of the tiger in his temper as in most of the leading Democrats.

Before Clifford commenced this morning, Botts demanded an explanation of Albert Smith. Botts had in his speech charged Andrew Jackson with being a tryrant. Smith stuffed his answer to this charge with a fulsome eulogy upon Jackson— declared that the charge of his being a tyrant was a foul and groundless slander, and that history would give the lie to all such imputations.

Botts said this language was personally offensive to him, and called upon Smith to say explicitly whether he meant to apply it to him.

Smith answered without hesitation that he did not intend to apply it to Botts, and that it was his invariable intention to treat every member upon the floor with respect.

The Speaker said he had not understood the remarks of Smith as intended to be personal, or that he should have called him to order, and Botts said that, after the unequivocal and explicit disclaimer of the gentleman from Maine, it was unnecessary that he should say anything further. It was three o'clock when Clifford closed, and the floor was taken by Cooper, of Pennsylvania, a new member, who began as if he was laboring with a set speech; whereupon a motion was made to adjourn. The yeas and nays were called and refused, and the House adjourned till Monday noon.

13th. Mr. Hassler paid me a visit. He is yet employed, under the direction of the Secretary of the Treasury, upon the survey of the coast, and upon the construction of weights and measures for use in the different States. But I found him much disposed to take hold of the Smithsonian bequest; to which I gave no encouragement. His plan was for the establishment

of an astronomical school before the erection of an observatory. At the head of this astronomical school he would naturally find his place, and would contrive to absorb the whole fund in the management of it. I promised again to visit his establishment here, and asked him for information of the prices of the astronomical instruments which he purchased for the United States Government at London in 1815, and concerning some of the principal astronomers, and astronomical establishments, and makers of astronomical instruments, in Europe at this time.

At the House, Mr. Pickens began the day with a blustering explanation and denial of his having had any concern in a bargain for giving Duff Green the printing for the House—some charge in the Madisonian newspaper. Pickens said that from the moment he had heard of the nomination at the Harrisburg Convention there had not been an instant of hesitation as to the course he was to pursue.

After this, Cooper, of Pennsylvania, finished his speech against the exclusion of the New Jersey members. Mr. Leet, of Pennsylvania, moved the previous question upon Campbell's resolutions. Ramsey prevailed upon him, under a promise not to make a speech, and to renew the motion, to withdraw it, and then made a speech, boasting that he was one of the Harrisburg mob last winter, and would be one of a mob again, if necessary; presented his remonstrance against Naylor's holding his seat, and demanded as a right that it should be referred to the Committee of Elections.

The Speaker decided that the motion was not privileged. Ramsey appealed from the decision, but, upon due admonition from his own gang, withdrew his appeal, and moved a suspension of the rules; which was refused him. Petitions were called for. Smith, of Maine, offered Ramsey's remonstrance; but Lewis Williams objected, and it was not received. Governor Lincoln offered three abolition petitions, which gave rise to a debate, and the motion to receive them was laid on the table. Adjourned at four.

14th. Upon the reading of the journal in the House this morning, Governor Lincoln moved an amendment, to show

that he had yesterday declared that he had made, and would make, no motion to *receive* the abolition petitions; but, after about an hour of discussion, a majority of the House rejected the proposed amendment. Hoffman, the Chairman of the Committee on the Revisal of the Rules, then called for the special order of the day; which was the report of that committee. The Speaker had decided the other day that the unfinished business of the preceding day took precedence in the order of business over the special order for the consideration of this same report. On the ground of this decision, I now called for the unfinished business of yesterday, the presentation of petitions. The Speaker decided that it had the preference; but Rice Garland, a member of the Revisal Committee, told him he was mistaken, that the presentation of one petition was not the unfinished business of the presentation of another petition; and one of the Clerks told the Speaker that the revisal report had been unanimously made the special order of this day; whereupon the Speaker reversed the decision he had just made, and pronounced the report of the committee entitled to the preference. The Speaker had taken the ground that the special order, by a vote of two-thirds suspending the rules, gave a preference over the unfinished business; and I was obliged to submit.

The report was taken up. The amendments to the rules proposed by the committee were trivial and insignificant, with one exception: that was a feeble restriction upon the tyrannical abuse of the previous question. Against this amendment Linn Banks, many years Speaker of the Virginia House of Delegates, made an elaborate speech, and Richard Biddle, a Whig of considerable talent, but of unsound principle, morose disposition, arbitrary temper, and overweening self-conceit, with no small portion of sneaking craft under a mask of lofty punctilious honor, followed him in the same strain. I thought the amendment blasted, and was sure it would be so if I said one word in its favor. Briggs made a short speech to sustain it, and, upon taking the yeas and nays, to my great surprise, it was carried, by a vote of one hundred and one to ninety-five.

15th. At half-past ten this morning the Committee on the Smithsonian Bequest bill met in the chamber of the Commit-

tee of Manufactures. Present, Adams, Ogle, Shepard, Garland, of Virginia, Albert Smith, Barnard, and Corwin; absent, Lewis, of Alabama, who, by accident, was not notified, and Campbell, of South Carolina, who came in after the meeting adjourned, having been engaged in the Committee of Elections. The bill was read. I proposed that the Chairman should be authorized to prepare a report to be submitted to the committee, containing a review of what has been hitherto done by Congress on the subject, and a brief exposition of the reasons for the several provisions proposed by the bill. I proposed also that when it should become necessary I should ask the permission of the House to employ a clerk, and to employ George Sweeney; and that when the report is ready I shall call another meeting of the committee; all which was agreed to unâ voce.

In the House, Campbell, of South Carolina, moved that the Committee of Elections should be permitted to employ a clerk. Opposition was made, but the motion was carried, with a proviso that the compensation of the clerk should not exceed four dollars a day for the time he should be employed. The report of the Committee on the Rules was then taken up. They had reported a resolution that after the close of the present session the desks of the members should be removed from the hall. I objected to it as not in order, it not being within the competency of the committee to report a resolution which had no relation to the rules of the House. The Speaker decided it to be in order, and Banks said the decision was right, but made a warm speech against the resolution itself, and said he agreed with me that it was not competent for the committee to report it. Lewis Williams moved to lay it on the table; which was carried—one hundred and nineteen to fifty-two.

Coles, of Virginia, then offered, as an amendment to the fifty-fourth and fifty-fifth rules, the substance of Patton's gag, that all abolition papers and petitions shall be laid on the table without reading, printing, debating, or any other action of the House. I offered at the same time a substitute, which the Speaker pronounced out of order. Coles moved the previous question upon his resolution; but, after much haggling to prevail upon him to withdraw his motion, his resolution itself was

laid on the table by a vote of one hundred and two to ninety-eight.

Then Waddy Thompson offered the resolution that the motion to receive abolition petitions and papers shall always be laid on the table; and, after a speech, moved the previous question; but upon being taunted with his chivalry by Granger, and at the supplication of James Monroe, he withdrew the motion and opened the flood. Monroe and Granger immediately broke out with speeches, followed by Crabb, of Alabama, and Gentry, of Tennessee, till past four, when Cooper, of Georgia, took the floor, and the House adjourned.

16th. At the House, Charles F. Mitchell, of New York State, gave an explanation of a letter which he wrote to Duff Green, inviting him to come and be a candidate for the printing of the House, leaving Gales and Seaton to do the work, he to receive one-third of the profits, estimated at thirty thousand dollars for the whole Congress. Green came accordingly, but the negotiation failed. Green had sent Mitchell's letter here, to Charles Fisher, a member of the House from North Carolina, for consultation with the Nullifiers. He showed the letter to the Speaker, to Mr. Holmes, of South Carolina, and to a distinguished Senator (J. C. Calhoun), who pronounced it gross bribery. The whole story was then told in the Globe after its own manner, with the charge of bribery upon Mitchell; who had kept no copy of his letter to Green. Fisher made a statement rather unfavorable to Mitchell, which was corroborated by Holmes, but both (he) and the Speaker disclaimed having stigmatized the transaction as bribery.

After this little incident, the question upon Waddy Thompson's resolution, to insert among the rules of the House that the question of the reception of abolition petitions shall always be laid on the table, came up; and Cooper, of Georgia, made a long speech to prove that the abolitionist petitions must cease or that Georgia must take care of herself. He alluded repeatedly and angrily to the existing controversy between Maine and Georgia, for which he was occasionally checked by the Speaker.

He was followed by Richard Biddle. The principal part of his speech was about himself and his sturdy resistance to the

abolitionists in his own district. And then he argued upon the impolicy of the South in connecting the abolition question with that of the right of petition, and pressed home the Kinderhook party with equal adroitness and cogency of argument.

Watterson, of Tennessee, successor of James K. Polk, made his maiden speech, the drift of which was that the Whigs of the South were all abolitionists, and the Administration party of the North all against them.

Stanly, of North Carolina, answered him at great length, and read the abolition letters of Governor Marcus Morton, of Parmenter, and of Henry Williams, the most thorough-going of all. Parmenter made a great distinction between anti-slavery and abolitionism. It was well for Henry Williams that he was not present. There was some sparring between Weller, of Ohio, and Stanly. Botts, of Virginia, made a short speech, to avow that, although he would much prefer the reference of abolition petitions to a select committee, he should not part from his Southern friends in his vote.

17th. At the House, Mr. C. F. Mitchell produced and read the copy of his letter to Duff Green, which he had received this morning from him. Mitchell insisted that there was no offer of a bribe in the letter, and no expression of aversion to Blair, and he commented severely upon Fisher's statement of the contents of the letter yesterday, and upon Holmes's confirmation of it. He said Fisher's memory was of a very peculiar character: he did not remember what was in the letter, and did remember what was not in it. This was certainly true. Fisher's statement of the contents of the letter was a gross misrepresentation; but the letter itself was an indiscretion equally gross. It was not a bribe, but it was a bait, a large one, to Green, for the use of his name, and Green snapped at it with the appetite of a gudgeon. Neither Fisher nor Holmes was in the House when Mitchell read his letter and commented on their speeches of yesterday. They afterwards came in, and Fisher, complaining that Mitchell had assailed him in his absence, said he should wait to see how his speech will be published in the newspapers to-morrow morning, and then notice it if necessary.

Colquitt had the floor upon Waddy Thompson's rule for laying on the table every motion to receive every abolition petition, resolution, or paper, and was bursting with his abolition cursing speech, with the delivery of which Graves's motion conflicted, to reconsider the vote to lay on the table Coles's rule, which is the Patton gag. The question was, which had the precedence for discussion, Thompson's resolution, or Graves's reconsideration. The Speaker decided for the reconsideration. An appeal was taken from his decision; which was affirmed by the House—one hundred and twenty-three to seventy-one. There was then a call of the House, and I had answered against Graves's motion to reconsider, when he, to gratify Colquitt, withdrew it. Vanderpoel denied his right to withdraw it. Ramsey said he would renew it; but it was too late. Colquitt then made his speech against the abolitionists.

18th. At the House, Slade had the floor upon Waddy Thompson's resolution by a rule of the House to lay on the table every motion to receive abolition petitions. Leet, of Pennsylvania, first entreated him to yield the floor for a motion that the House do now elect a Printer, but he declined. Then Biddle asked the same favor to present a petition about a project for a guard against the explosion of steamboats. He again declined; though he said he would cheerfully accommodate both the members if he could do it without losing the floor. Biddle moved to suspend the rules; but Slade told him he had not the floor to make the motion, upon which he sat down. But Slade did yield the floor to Fisher and Mitchell for personal explanations, upon which they exchanged shots of mutual crimination and recrimination, in decent language. Then Graves complained of an article in the Globe charging him with a finesse in withdrawing yesterday his motion to reconsider the vote to lay on the table Coles's resolution when the same motion could not be renewed, the day having passed over within which it could be in order. Graves made an explanation to show that his withdrawal of his motion for reconsideration had been fair, and to gratify Colquitt's desire to make his anti-abolition speech. Graves further complained of having been misreported in the Globe in another case, on the debate upon

the New Jersey election. He said a colleague of his, friendly to the editor of the Globe, had mentioned to him this misrepresentation, and Blair had said he would publish in the Globe a corrective communication from Graves. He said he chose to make no such communication, for he knew it would be replied to with new abuse and falsification if he made it; but he gave notice that if he should be again so misreported he would move for the expulsion of the reporter from the hall.

Linn Boyd confirmed Graves's statement. Stanly said if they were to rectify all the falsifications of the Globe they could have time for nothing else. Thompson, of Mississippi, said it had not been his intention to move the reconsideration on the day when Coles had moved it. Slade then commenced his anti-slavery speech, and, after speaking about two hours, yielded to a motion of V. D. Parris to adjourn; which was carried, Slade still retaining the floor.

20th. On entering the House, I found Mr. Slade on the floor upon Waddy Thompson's resolution for a rule to exclude abolition petitions; into the vortex of which he had drawn the whole subject of slavery, slave-trade, and abolition. He took nearly three hours to conclude the speech that he had commenced on Saturday, and delivered himself of the burden that has been four years swelling in his bosom. The House was nearly deserted before he finished. Garland, of Virginia, took the floor to answer him. Adjourned, by yeas and nays—fifty-five to fifty-two.

21st. At the House, immediately after the reading of the journal, James Garland having the floor, W. Cost Johnson entreated him to yield it for five minutes for him to offer a resolution to give forty cords of the wood laid in store for the use of the House to the Mayor of the city, to be distributed among the poor, suffering by the severity of the season. Garland refused, for he was aware that Johnson's resolution, once admitted, might be debated the whole day.

John Pope begged the floor to make a report from the Committee on the Territories upon the boundary dispute between the Territory of Iowa and the State of Missouri, merely to have it printed; but he was told there was yet no Printer to the House, and no provision extant for printing anything.

Garland held the floor, and made a speech of about two hours in answer to that of Slade and against the reception of abolition petitions. He took the ground that Congress have no power to abolish slavery in the District of Columbia, no authority to legislate upon the subject whatever, and therefore that they are not bound to receive any petition relating to it.

After him, Samson H. Butler, of South Carolina, made a short and most forcibly feeble speech upon the blessings of slavery, and upon the reasons of the Nullifiers for supporting, not the present Administration, but its leading measures, because they conformed to the interests and principles of the South.

Dromgoole now got the floor, and moved an amendment to Waddy Thompson's resolution, made a speech in support of his amendment, and gave notice that he would move the previous question as soon as the question upon his amendment should be put, calling, at the same time, upon the Speaker to put the question.

I denied his right to call upon the Speaker to put the question; which discomposed him. It was then objected that his amendment was identical with the resolution offered last week by Coles and laid on the table, therefore not now in order. The Speaker, after considerable discussion, so decided.

Dromgoole appealed from his decision; which was affirmed, by yeas and nays—one hundred and twenty to sixty-four.

I immediately moved my amendment; but Dromgoole still claimed possession of the floor, and the Speaker decided that he had it. He then moved the previous question on Thompson's resolution, and resisted most pathetic appeals from W. Cost Johnson and Dawson to withdraw it. There was a call of the House, and the vote by tellers on the question of the second to the previous question was ninety-eight to ninety-nine; whereupon, after a struggle of a week, and at least ten abortive attempts, I succeeded in getting my amendment[1] before the House, and obtained the floor.

[1] In order to understand the bearing of this movement, the words of the amendment are necessary:

"Every petition presented by the Speaker, or by any member, with a brief statement of its contents, shall be received, unless objection be made to its reception for

I was willing to take the question without debate; but some of my friends insisted that I must speak, and urged me to move an adjournment; which I did, and which was carried. It was past four.

22d. At the meeting of the House this morning, I had the floor upon my amendment to Waddy Thompson's resolution, which I have had such extreme difficulty in getting before the House. Knowing that it would not be adopted, I had prepared it merely to serve as a protest against the rule, which they will adopt in some form, to exclude abolition petitions from consideration by the House. Bell and Chinn came to my seat yesterday, and told me they could not vote for my amendment, but were very desirous of having the abolition petitions referred to a select committee.

I told them they might move that as an amendment to my amendment. Expecting this, or that there would be an immediate motion to lay my amendment on the table, I had not prepared myself for debating it at all. But the desperate effort of Dromgoole yesterday to exclude my amendment from admission to debate, and Mr. Lawrence, who came to offer me his seat for speaking, and said it would be expected of me to support my own proposition, made it necessary for me to speak, without more preparation than a brief synopsis of my argument, which I made this morning after breakfast; and in this, as in every case where I speak without long premeditation, my most pungent regret is at the failure to do justice to my own cause.

I yielded the floor to the Chairman of the Committee of Ways and Means, J. W. Jones, to report the Army Appropriation bill; but when he moved for the printing of certain documents, objection was made, and he moved a suspension of the rules. I saw this would engage a debate which might consume the whole day, and I resumed my right to the floor. I spoke about two hours, very unsatisfactorily to myself, but not without constant attention of the House. Vanderpoel thanked

special reason; and whenever objection shall be made to the reception of a petition, the name of the member objecting, and the reasons of the objection, shall be entered on the journal. The question in every such case shall be, 'Shall the petition be rejected?' And no petition shall be rejected but by a majority of the members present."

me for it, and said he had, though not concurring with my opinions, listened to it with great pleasure. Jenifer told me that he entirely concurred with full three-fourths of it. Taliaferro told me that he concurred in it altogether, but intimated that the prejudices of his constituents would not allow him to vote with me. Holmes, of Charleston, South Carolina, said it was a very able, very powerful, and very dangerous speech. He took numerous minutes to answer me.

Alford, of Georgia, took the floor immediately after me, and made a ludicrously passionate speech—not so much against me as against the abolitionists and Martin Van Buren. Hunt, of New York, then got the floor, and moved to adjourn, he being indisposed. The House, by yeas and nays—ninety-four to eighty-five—refused to adjourn; but immediately afterwards did adjourn, just after three.

Gates came, and said he and Granger wanted a large number of copies of my speech in pamphlet form. I called at the National Intelligencer office and mentioned this to Seaton, who said he would send round a subscription paper, and, if a sufficient number should be called for, would print the pamphlet.

23d. In the House, Hiram P. Hunt, of New York, had the floor on my amendment to Waddy Thompson's proposed amendment of the rules. Sergeant entreated him to yield it for him to report from the Judiciary Committee a bill indispensable for the taking of the census. Hoffman wanted an opportunity for a resolution to continue the rules for ten days longer; another member wanted to authorize the Clerk to have the printing done till the election of a Printer. Hunt declined yielding the floor to any one, and in a vapid rhapsody of words, "full of sound and fury, signifying nothing," consumed three hours of time. Hunt, when sober, is a worthy man, of infirm and slender constitution, rather intelligent, of mild, unobtrusive manners, commonplace Whig principles, and an overrating confidence in his own judgment. But his habits are intemperate; and his indisposition yesterday, for which the House adjourned, was the mere lack of inspiration. He had taken a double dose of it this morning, and he began with so much vociferation, and such violent and ludicrous gesticulation, that

the men of Kinderhook chuckled, and the Whigs hung their heads with shame.

Bynum, of North Carolina, immediately followed, in his usual snarling and ranting style, but had not proceeded far when Turney, of Pennsylvania, moved an adjournment; which was carried, by yeas and nays—ninety-eight to fifty-two. Several attempts were made before Bynum began, and after he gave way to the motion to adjourn, for the reception of bills for the printing, and the continuance of the rules; all of which failed. Black, of Georgia, made a great sputter, to no purpose.

24th. Going to the Capitol, I was joined by the reporter, Mr. Stansbury, who gave me his manuscript of my speech of last Wednesday, which he had already written out. At the meeting of the House, Bynum, of North Carolina, had the floor. He allowed Hoffman to move a continued temporary adoption of the rules of the last Congress, as already amended, until otherwise ordered by the House. A great struggle was made to except the amendments to the ninth and forty-second rules; but Hoffman's motion prevailed.

G. M. Keim presented a memorial from Charles J. Ingersoll, claiming the seat now occupied by Charles Naylor; which was, at the motion of John Campbell, Chairman of the Committee of Elections, referred to that committee; to which, also at his motion, leave was granted to sit during the session of the House.

Bynum spoke nearly four hours, with all his characteristic venom and vehemence and his usual disregard of truth. At an early part of his speech he alluded repeatedly to me, and said I had contended that the people of the South ought to be influenced by the abolition doctrines of foreign English periodical journals and reviews.

I rose, and said, "Mr. Speaker, the gentleman refers to me what I never said."

He persevered, and said, "Well, sir, the gentleman's speech will be published; and, unless he suppresses what he said, it will then appear."

I said, "Mr. Speaker, I never said one word of what the member has imputed to me, nor anything like it; and now he

may proceed and impute to me what he pleases." He made no more allusions to me, excepting in repeating my name as recorded among the yeas and nays. He ransacked these for the last five years, upon all the gag-resolutions, to prove that the Whigs and abolitionists are identical, and that overwhelming majorities of the Democratic party are anti-abolitionists. In this process he brought himself into a ludicrous predicament by finding his own name recorded among those of his pretended abolitionists. But a deeper mortification awaited him. He repeated some words used last week by Luther C. Peck, with some epithet of execration, and, without naming Peck, said they were spoken by an abolitionist.

Peck rose, and asked if Bynum alluded to him. Said Bynum, "I alluded to a person by the name of Peck."

"Then," said Peck, "as to the words alleged to have been used by me I have nothing to say; but the assertion that I am an abolitionist is *not true*."

Said Bynum, "If the gentleman is not an abolitionist according to my definition of the term——" A shout of laughter.

Bynum to Peck—"Did you mean to charge me with saying an untruth?"

Peck—"I said that what had been said was not true."

Bynum—"You are a liar, a scoundrel, and a puppy."

Waddy Thompson offered a resolution of censure upon Bynum for using this language.

Bynum humbled himself, and asked pardon of the House. Petriken then insisted that Peck should recant; which Peck sturdily refused.

At length, after much snarling, Bynum had leave to proceed in his speech, and the House adjourned.

25th. At the House, after some explanatory remarks of L. C. Peck upon the misstatements in this morning's Globe, and some few abortive attempts to introduce other matters, Bynum resumed the floor, and spoke about three hours before he concluded. The point of his whole speech was to prove that the Whig party, North and South, was identified with the abolitionists, and that the Democrats, with very few exceptions, were anti-abolitionists and supporters of the rights of the

South. To demonstrate this, after reviewing the journals for the last four years for yeas and nays, and announcing the number of Whigs and of Democrats upon each side of every question, he brought in the proceedings of State Legislatures, the resolutions of political meetings, letters and speeches of individuals—all to be blasted with Whiggery and abolitionism. Among the rest, he brought up Seth M. Gates's letter to Gerrit Smith, and was about to read an extract from it—when Gates rose, and said that, if his object was to prove him an abolitionist, he would save him the trouble by admitting the fact. So Bynum passed to Harrison and the Harrisburg Convention, and proved them all Whigs and abolitionists. All this upon a resolution proposing a rule of the House that all petitions shall be received except such as shall be objected to for special reasons, to be recorded on the journal. And such is all debate in the House, with very little exception.

William Cost Johnson followed immediately after Bynum for about an hour. Johnson is a Southern Whig, and to escape from the charge of being an abolitionist is obliged to take an overcharge of zeal against the right of petition. He denies the right of Congress to act upon the subject at all, and votes for refusing to receive all petitions relating to the subject. He boasted of having refused to present last winter a petition from some of his constituents who had claims upon the Haytian Government for their recognition; and said his refusal had been universally approved by his constituents, who had re-elected him by an increased majority. His argument was mainly directed against that of my speech of last Wednesday, and was very ingenious and plausible; but he did not speak as if he himself believed what he said. He did not finish his speech.

27th. In the House, W. Cost Johnson had the floor, upon my amendment to Waddy Thompson's resolution concerning the receipt of petitions. He yielded it to John W. Jones to report the Civil and Diplomatic Appropriation bill, with a motion that the Clerk be authorized to contract for the printing of the bills and accompanying documents upon the terms of the joint resolution of 1819. Giddings, of Ohio, offered, as

an amendment and substitute, that until the further order of the House the printing should be given to the lowest bidder. And now began a series of manœuvring, I can scarce say whether most disgusting or diverting. Giddings's amendment was carried, by yeas and nays—one hundred and seven to sixty-six. And in the face of such a majority Duncan, of Ohio, immediately moved a reconsideration. He was in favor of giving the printing to the lowest bidder, but not now. He made a speech to muster up paltry objections, and then moved the previous question to cut off all reply. There was a decision of the Speaker against a call of the House, reversed by yeas and nays—ninety-four to one hundred; then a call of the House; previous question; motion to lay the whole subject on the table—lost by a vote of one hundred and six to one hundred and eleven; and at last the resolution, as amended by Giddings, carried, by yeas and nays—one hundred and fifteen to ninety-eight; whereupon John W. Davis immediately moved a reconsideration. It was found impossible, through all this writhing, twisting, and coiling, to rally the entire Kinderhook party against Giddings's lowest bidder; but they will reverse it to-morrow. Pickens, Griffin, and Charles Shepard stood firm through all the votes, and they defeated the whole Kinderhook host. The rest of the South Carolina Nullifiers flinched and skulked, especially Holmes, the pure, the immaculate. These operations consumed more than three hours; after which W. Cost Johnson resumed the floor, spoke about an hour more of his anti-abolition discourse, and had not finished when the House adjourned.

28th. Going to the House, I met in the Capitol yard Daniel Webster, and greeted him upon his recent return from his visit to England. I found the House in session, and W. Cost Johnson upon the floor, concluding his anti-abolition speech, which took him between two and three hours. He was about half tipsy, and in his merriest and wittiest mood. In undertaking to answer my last speech, he took the course, under the form of nauseous and fetid flattery, to make me as ridiculous before the House and the country as he possibly could. He closed with offering a resolution, as an amendment to mine,

providing that no petition, resolution, or paper relating to slavery or the abolition of slavery, or the slave-trade, in any State, District, or Territory, should be received or in any manner entertained by the House.

I objected to this as not in order, my own resolution being an amendment to an amendment, beyond which, in the uniform practice of the House, such motions are inadmissible. But Thompson accepted Johnson's resolution as an addition to his own; and Linn Banks, who had been put by the Speaker into his chair expressly for the occasion, declared the combined resolutions in order. Vanderpoel made a short and furious speech, which he closed by calling the previous question. The main question was on the combined resolutions, carried, by yeas and nays—one hundred and sixteen to one hundred and six; and then carried as amended—one hundred and fourteen to one hundred and eight. And thus it is made a rule of the House that no abolition petitions shall be received.

29th. Morning visits from John G. Whittier, Isaac Winslow, and Samuel Mifflin, all of the Society of Friends, and all abolitionists. Whittier is now the editor of the Pennsylvania Freeman newspaper, published weekly at Philadelphia. Whittier said he thought this last outrage upon the right of petition, the establishment of a rule refusing to receive or entertain any abolition petition, might perhaps be the best thing that could have been done to promote the cause of abolition. It was, at least, casting off all disguise.

I said it would depend upon the impression which it would make on the people; and I had little expectation from that. They had been familiarized to the privation of the right, and could not be roused to take an interest in it. The difference between the resolution of the four preceding sessions of Congress and the new rule of the House is the difference between petty larceny and highway-robbery. I had much conversation with these men upon the dissensions among the anti-slavery men and abolitionists, and concerning the late Benjamin Lundy.

At the House, there was a point of order pending, upon an appeal by Jameson, of Missouri, from a decision of the Speaker last evening. Davis, of Indiana, had moved a reconsideration

of the vote of the preceding day, to have the printing done by the lowest bidder, for the purpose of offering resolutions of his own—the first of which was to proceed immediately to the election of a Printer, and then for a committee of five to be appointed by the House to examine and report how the printing shall be done hereafter. The vote of the former day was reconsidered. But Graves got the floor before Davis, and offered a resolution of his own; to which he allowed Rice Garland to offer an amendment, so as to have precedence for consideration before Davis's proposition. Jameson's point was that, Davis's motion for reconsideration having been made for the declared purpose of offering a specific resolution, he was entitled to the floor in preference to all others to offer his resolution. Against this the Speaker decided; and, after a long, trifling, and ridiculous debate, his decision was sustained—one hundred and twenty-six to seventy-one. Graves then made a long speech in support of his proposition, and cited the editorial article in the Globe warning the Administration party that the paper cannot be sustained if deprived of the profits of the public printing. The day was consumed in this wretched altercation without advancing one step in business. Stanly got entangled in some cutting remark that he made offensive to Smith, of Maine, for which he was called to order, and a debate was got up whether he should be allowed to proceed; in the midst of which the House, about four o'clock, adjourned. There has been no more disorderly day during the session, and the condition of the House is such as I never before witnessed.

30th. Commodore Isaac Chauncey, President of the Board of Navy Commissioners, died last Monday, and his funeral was announced for this morning at eleven o'clock. It was the hour for the meeting of the Committee of Manufactures; but there was nothing of importance upon which they could now act, and I attended the funeral, as a testimonial of respect to a gallant officer, who had served his country in war, and to whom I was indebted for acts of personal kindness never to be forgotten. The funeral ceremonies were with military and naval honors; a considerable concourse of people; three uniformed companies of the District militia; the President and

four heads of Departments were there; Generals Macomb and Scott, with many other army officers, in full uniform. Commodore Morris superintended the arrangements. President Van Buren offered me a seat in his chariot, which I accepted. It was past noon when the procession left the House for the Eastern Branch grave-yard. My conversation with the President was about Edward Everett and Marcus Morton, the past and present Governors of Massachusetts, and about banks and banking—points upon which there was no difference of opinion, except with regard to the remedy for the evil, between us. After passing by the Capitol yard, on the way to the cemetery, the carriage turned out from the procession, and, entering the yard at the northern gate, set me down under the arch beside the door leading to the hall of the House of Representatives. It was one o'clock; the House had been an hour in session. I found the doors of the hall closed, upon a call of the House, on a motion of Davis, of Indiana, to lay on the table the resolutions of Graves and Rice Garland about the printing. My name had been noted as absent, and I had been excused. I was soon admitted into the hall. Further proceedings in the call were superseded. The resolutions of Graves and Garland were laid on the table by a vote of one hundred and sixteen to one hundred and eight; and, after much altercation and chicanery, the Printers were chosen vivâ voce. Blair and Rives, one hundred and ten; Gales and Seaton, ninety-two; scattering, five; whole number voting, two hundred and seven. Blair and Rives chosen.

31st. At the House, after an ineffectual attempt of Davies, of Pennsylvania, to proceed to the election of a Chaplain, and the annunciation by Graves of a sort of bargain that the committee of five to devise the cheapest mode of printing should consist of Black, the mover of the resolution, as Chairman, and two of each party as members, which was disclaimed as a bargain on the other side, a call of the House ensued. A motion was carried that the election should be made vivâ voce. Turney moved that the choice should be made one by one; this was rejected, by yeas and nays—fifty-four to one hundred and forty-three. The roll was called alphabetically, and each member

named five for whom he voted to constitute that committee. I voted for Black, Bond, Petriken, Fillmore, and Briggs. Hopkins, of Virginia, made a very foolish speech, asking to be excused from voting. The House refused to excuse him. He said he would then excuse himself, and did not vote. James Monroe declined voting, saying he looked upon the whole transaction as a humbug. So did I. But it is not wise to set the House at defiance upon small points. Three hours and more were consumed in taking the vote, and it would have taken as many more to count and sort the votes. The clock had struck four, and, after a protracted and tumultuous struggle, the House adjourned over to Monday.

February 3d. In the House, the result of the vote of last Friday for the five members of the cheap printing committee was announced. Three of the five, Black, the mover of the resolution, John W. Davis, of Indiana, and John H. Prentiss, of New York, elected. A second vote then absorbed nearly three hours of the time of the House. Rice Garland, of Louisiana, and George Evans, of Maine, were elected. Two days of the House have been consumed in this vivâ voce election of a very useless committee, as I expect it will prove to be. The Speaker could have appointed the same men in five minutes.

At the suggestion of Mr. Cushing, I notified the members from the Massachusetts delegation in the House to attend a meeting in the chamber of the Committee of Manufactures next Wednesday morning, at eleven o'clock, to consult together upon what we are to do with the abolition petitions with which we are, or hereafter may be, charged. I notified them all excepting W. S. Hastings, whom I did not see in the House. Cushing said something of a protest. There are objections to this, perhaps not insuperable; but some joint action of the whole delegation is surely advisable. I propose—1. To take a vote upon two sets of resolutions of the Legislature of Massachusetts. 2. To offer a resolution that every member of the delegation will, by such means as he shall deem just and proper, use his influence to obtain the rescinding of the new rule of the House. 3. To suggest the expediency of publishing lists of all petitions refused to be received under the new rule of the

House. 4. To propose a plan of co-operation with the members of other States friendly to the right of petition.

4th. At the House, Black, the Chairman of the new cheap printing committee, a fiery-tempered piece of inanity, swelling with his dignity of Chairman of a select committee appointed by the House, palmed upon us, by direction of the committee, two resolutions: one, that the committee might be authorized to employ a clerk, with a flourish of their reasons for needing him, and of the facilities he would afford to their investigations; the other, formally authorizing them to summon witnesses before them and to administer oaths to them.

I was struck with the pomposity of the first resolution, but let it pass without notice. I observed that the second was worse than superfluous, by calling upon the House for authority to swear witnesses, which every standing and select committee possessed by express law. I moved to strike out the second resolution, and add to the first, "power to the committee to send for persons and papers." After some petulant resistance of Black, and some impertinent spluttering of Ramsey, the bobtail of the Harrisburg mob, Black peremptorily called for the reading of the law to which I had referred. The Acts of 1798 and 1817 were read. I said, "I hope the Chairman of the committee now understands the law;" and my amendment was carried without a count. The resolution was adopted.

5th. Meeting of the Massachusetts delegation in the House at the chamber of the Committee of Manufactures, at eleven o'clock. Present, Adams, Baker, Briggs, Calhoun, Cushing, Hastings, Lincoln, Reed, Saltonstall; absent, Lawrence (from indisposition), Parmenter and Henry Williams, purposely to avoid concert with the rest. It was my wish to present the abolition petitions committed to my charge together with the rest. But the unanimous opinion of all the other members present was, not to offer this day any that they called abolition petitions—that is to say, that touched at all upon slavery—but only business petitions. It was said that by avoiding the obstruction to the presentation of other petitions we should not excite resentment, and that, as the daily receipt of petitions is continued until the 15th of this month, we shall have ample

time and occasion to present the anti-slavery petitions between this time. I gave it as my opinion that if we once let slip the opportunity of presenting the anti-slavery petitions, they would never allow us another. I said that I had attended the meeting intending to propose measures of increasing concert and energy to recover the prostrate right of petition; and I mentioned those that I minuted in this diary of the day before yesterday; but, I said, I would not set my face against the whole delegation, and would, accordingly, abstain from presenting any anti-slavery resolutions this day—not even either of the two sets of resolutions of the Legislature of Massachusetts bearing upon slavery.

At the House, petitions were immediately called, resuming with the State of Massachusetts.

Mr. Lawrence presented one petition, praying for the recognition of the independence of Hayti; he moved its reference to the Committee of Foreign Affairs. Linn Banks immediately moved to lay it on the table; which was carried, by yeas and nays —one hundred and ten to sixty-three. I presented memorials and petitions, among which were the memorial of the American Philosophical Society, with the letter of the Secretary of War, Poinsett; the memorial of Alexander de Vattemare, with the letter from C. C. Cambreleng—referred to the joint Committee on the Library; the petition of W. McNally and one thousand two hundred and nine seamen—referred to the Committee on Naval Affairs; two or three to the Smithsonian Committee; and others to the appropriate committees.

The other States were then called quietly, till the Speaker called New Jersey. Randolph then presented the resolutions of the Legislature of New Jersey remonstrating against the exclusion of the five members. Randolph enquired if the Speaker had not received the same resolutions from the Governor of the State, and was answered that he had, and declined presenting them. This led to a blow-up, in which the House got into a chaos of confusion, in the midst of which, about four, a motion to adjourn was carried.

6th. I found the House in session, and the Clerk reading the answer of R. M. T. Hunter, the Speaker, to the Governor of New Jersey, declining to present the resolutions of the Legis-

lature of New Jersey, because they had been transmitted to him as a member of the House from Virginia, and not as Speaker of the House.

The resolutions were entered upon the journal of yesterday.

Leadbetter moved to strike them out and insert a narrative of dialogue and desultory debate. The motion was lost, by yeas and nays, on a motion of John Reed to lay the amendment on the table — eighty-seven to eighty-six. Then Randolph moved that the resolutions should be printed; carried again, by yeas and nays—ninety-two to ninety; though Pickens skulked. The call for petitions was then continued through the remainder of the States and the Territories. At past five o'clock a motion was made to adjourn, and, upon taking the yeas and nays, the vote was twenty-one to twenty-seven; all the rest of the members had deserted. Dromgoole, whose face was of burnished brass, moved a call of the House; but a renewed motion to adjourn then prevailed.

Anderson, of Kentucky, had asked leave to present a resolution to request the President to negotiate with Great Britain for a treaty stipulation to deliver up fugitive slaves; but his proposal was immediately hushed.

Jameson, of Missouri, presented sundry anti-abolition resolutions of the Legislature of that State, which the Speaker said could not be received under the new rule. I asked if the fact of their being presented would appear upon the journal. He said it would not. I said I should ask to be heard upon that question. Jameson said he did not wish to press the reception of them.

The Speaker sent me a pencil note, to enquire if I had thought of persons for the select committee which I moved yesterday.

7th. Immediately after the reading of the journal at the House, John W. Jones, Chairman of the Committee of Ways and Means, moved to suspend the rules to go into committee of the whole on the state of the Union upon the Pension Appropriation bill. He pretended there was an urgent necessity for the immediate passage of that bill; but there was none at all. His only real motive was to evade the call of the States for petitions; but he carried the suspension by a vote of one

hundred and twenty-nine to forty. The House went into committee of the whole on the state of the Union, Levi Lincoln in the chair. The Pension Appropriation bill was taken up and read. I thought it would pass without observation, on a motion that the committee should rise and report the bill; when Marvin, of New York, rose, and started some objections to the practice of advancing large sums to the Pension Agents many months before the pensions became due, allowing the Agent, in the mean time, the use of the money for his private speculations. Marvin moved no amendment, but Rice Garland followed him, and moved, as an amendment, that no advance should be made to any Pension Agent more than one month before the payment shall become due. A long debate ensued, till past four o'clock, when the committee rose, and the House adjourned.

Stanly alluded to the recent bank and anti-bank convulsions between the Legislature and Governor of Pennsylvania; which roused the wrathful blood of Beatty, the cool and shrewd sagacity of Sergeant, and the transparent, changeable colors of Leet. Underwood, not liking Rice Garland's amendment, proposed one of his own, to allow a percentage to the Pension Agents, not to exceed fifteen hundred dollars a year, on the payments, and prohibiting them from using the money while in their hands. These Pension Agencies are among the foul corruptions engendered by Jackson's war against the Bank of the United States. They glut the voracious rapacity of electioneering harpies, and are among the choice expedients of the Kinderhook school in the art of compounding Democratic majorities.

8th. Mr. Force, the Mayor of the city, Dr. Frederick Hall, and Mr. Philip R. Fendall called upon me yesterday, to enquire whether I shall be able to deliver the historical discourse which I conditionally promised during the present session of Congress; and, if so, when.

The enquiry was distressing. I told them I was very apprehensive that I should find it impossible; but if it should prove otherwise, I would give them notice before the last of April; with which they were satisfied.

I called this day on the Secretary of the Treasury, with whom

I found Mr. John W. Jones, the Chairman of the Committee of Ways and Means. I spoke to the Secretary of the petitions referred to the Committee of Manufactures from the woollen manufacturers, complaining of frauds in the collection of the revenue, and of the message from the President on the same subject, referred to the Committee of Ways and Means. I said I thought there might be some concert of proceedings between the two committees, and between both and the Department, with regard to the measures to be adopted; and for myself, I should be disposed, and believed the committee would be so, to give effect to any plan which the Department might devise to remedy the acknowledged evil.

He said it had sometimes happened that two committees, to which the same subject had been referred, communicated with each other by sub-committees.

I spoke to him also upon the memorials asking for a duty upon pins; and of Petriken's bill for laying a graduated duty upon railroad iron.

He mentioned his report upon the subject, Document 18 of the present session; which I had not noticed.

I enquired what was the present condition of the Smithsonian fund. He said the interest upon the Arkansas and Michigan bonds had been regularly paid, and reinvested in Michigan bonds, which had been purchased at seventy-five per cent. He said the Secretaries of War and of the Navy had been much annoyed to obtain payment of the interest, to enable them to pay the Indian annuities and navy pensions.

9th. The debate of yesterday upon the proposed instructions to the Committee of Ways and Means to report an appropriation of one hundred and fifty thousand dollars for the continuation of the Cumberland Road through each of the States of Ohio, Indiana, and Illinois, presented some developments of the ostensible condition of parties altogether delusive. Pickens moved to lay the motion of instructions upon the table. The Western men were all as of course to make a clamorous resistance against this, but each one colored by his party politics. Rariden, of Indiana, made a Harrison speech in favor of the appropriation; and Wick, of the same State, entreated and

conjured Pickens to withdraw his motion to lay on the table, that he might make a *personal* explanation; and he offered a pledge, if Pickens would let him speak, to renew the motion to lay on the table. Pickens, after a decent portion of wavering, consented.

Biddle objected to this bargain for the exclusive occupation of the floor between two members.

The Speaker said Pickens had a right to withdraw his motion to lay on the table, and he (the Speaker) could know nothing of any bargain between the two gentlemen.

From this decision Biddle appealed, but withdrew his appeal on the positive assurance from Wick that he only wanted to make a personal explanation. But this personal explanation was a Kinderhook speech in favor of the appropriation, to show that, however he agreed with Rariden in support of the road, it was not for the same reasons. He was stopped successively by White and Graves, of Kentucky, both of whom renewed Biddle's appeal and again withdrew it; while Pickens was all the time wavering—yielding and refusing to yield the floor several times. Wick finally made his speech, and closed by renewing the motion to lay on the table; but, after a call of the House, the motion was rejected, by yeas and nays—eighty-six to one hundred and twelve. Biddle then took the floor, and gave such a scorching castigation as I have never before heard.

10th. At the House, the Speaker called upon the States for *resolutions*, according to the rule of the alternate Monday. There were three different rules of the House, between which the Speaker this morning might take his choice: 1, the order for daily receiving petitions till the 15th—which he ought to have taken; 2, the rule of Saturday's unfinished business—going into committee of the whole on the Union upon the Pension Appropriation bill; and, 3, the alternate Monday call for resolutions—which I had suspected he would take, and for which I was yet not quite prepared.

The resolutions offered from the Northern States were very few, and unimportant, excepting two calls for correspondence relating to the Northeastern Boundary question, from Maine.

All the resolutions offered were adopted without opposition, till it came to me. I offered two: one, a call upon the Secretary of the Treasury for all the investments in State stocks of public moneys; and the other, upon the President for the demand of the Spanish Minister for the delivery up to him of the Africans captured in the ship Amistad, and the correspondence with the Spanish Minister and with the District Attorney in Connecticut on the subject.

As calls upon the Executive, these resolutions lie over, by the rule, one day; but, by the practice and the will of the majority, for an indefinite term of time—probably to the end of the session, never to come up. I asked the House to take them up now; but Petriken objected to both the resolutions, and I acquiesced.

Petriken declared he would object to taking up now all resolutions required to lie over a day; but he made exceptions for his friends.

Wise offered two resolutions, one of which was a call upon the Secretary of War for an account of the importation of bloodhounds. He said he was in possession of the fact officially from the Secretary of War himself. There was a great struggle to arrest Wise in making this statement, upon points of order, but he got it out in spite of them.

Underwood brought forth an enormous budget of his proposed amendments to the Constitution, which Petriken would not even allow to be printed.

Bell brought forward his old bill to secure the freedom of elections, and the bill to repeal the law limiting to four years the tenure of certain subordinate Executive offices. Cave Johnson made a desperate effort to refuse leave to introduce the first of these bills, but failed. The call for resolutions went through.

11th. When the journal of yesterday (had been read), Davis moved to dispense with the reading of the resolutions; which was done. I enquired whether the decision of the Speaker upon questions put by me—if the slavery resolutions of Rhett, and Anderson, of Kentucky, were within the recent gag-rule; that they were not—was entered upon the journal.

It was not.

The Speaker had dealt disingenuously with me in not telling me that it would not be. I moved to amend the journal by stating the fact of my enquiry, and of the decision. The question was first put by rising, and there were fifty-six to forty-four; no quorum. I called for the yeas and nays; which were ordered. Then Turney moved to lay the amendment on the table. I called for the yeas and nays on this question, and barely obtained them, thirty-six only rising for them. The vote for laying them on the table was one hundred and sixteen to fifty-two. My object was secured, of having my question and the decision entered upon the journal; but my remarks were overheated, and increased the majority for laying the amendment on the table.

The Speaker then gave the floor to Samson Mason, upon Casey's motion to instruct the Committee of Ways and Means to report a bill appropriating four hundred and fifty thousand dollars for the continuation of the Cumberland Road. I asked him if the receipt of petitions was not the order of the day. He said this was a case upon the reference of a petition. Mason made a speech of about two hours to prove that the Government was bound to make these appropriations by compact. He addressed himself chiefly to the South Carolina Nullifiers and their Virginian auxiliaries, with many shrewd remarks and cutting sarcasms. He was followed by Virgil D. Parris, against the appropriation—a plain common-sense speech of less than half an hour, rather above the standard of the orator's capacity, but the chief merit of which was its brevity. Ogden Hoffman then took the floor, and moved an adjournment at short of four o'clock; which was carried.

13th. In the House, after an attempt by Russell to get one hour for reports of committees, which succeeded for to-morrow, Pickens took the floor, and spoke about an hour and a half—as usual, repeating with pompous inanity the ideas of John C. Calhoun—against the appropriation, to restore the Constitution to its original principles, and offering by way of substitution to give away all the public lands to the States in which they are situated. This is the bribe offered by slavery

to the cupidity of the West. He was followed by Proffit, the successor of Ratliff Boon, and politically at his antipodes. The Southern and Western contested elections sharpen the wits and improve greatly the talent of public speaking. Proffit, with little education, with no learning, with backwoodsman's roughness of manner, with open-hearted candor, and with an instinctive tact in debate, is one of the most powerful speakers in the House. Marvin, of New York, succeeded, and offered an amendment, which he supported by a speech of half an hour, which he modified, at the request of Daniel D. Barnard, who moved the adjournment, and has the floor for to-morrow.

14th. The orders of the day were called, and Barnard took the floor on the Cumberland Road. He made an excellent speech of about two hours, receiving little attention from the House, now thoroughly weary of this subject, and highly excited by the return upon them of the New Jersey election, through the schism in the Committee of Elections.

Barnard was followed by Isaac E. Crary, of Michigan, one of the most desperate disorganizers of the House, who, in a speech of two hours, took one of them in reading the dispatches of General William H. Harrison during the last war with Great Britain, with a perpetual commentary as he went along, to prove that Harrison was a wretched General, in answer to Proffit's panegyric upon him yesterday.

Patrick G. Goode then took the floor, and, after an ineffectual attempt of Curtis to adjourn over to Monday, moved, about five, an adjournment; which was carried. Wise showed me a letter from a clergyman in Virginia, named L. L. Smith, about my religious opinions, and afterwards his answer.

15th. I received by last evening's mail a letter enclosing a remonstrance and a string of resolutions, adopted by a numerous popular meeting at , New Jersey, against the exclusion by the House of Representatives of five of the six commissioned members from that State from their seats. The remonstrance and resolutions were likewise enclosed in a packet, addressed to that delegation, which I was requested to deliver to them, and did this morning deliver to Mr. Randolph. It was desired that if they thought expedient that a member

other than one of themselves should present the remonstrance to the House, the duty should devolve upon me. And the measure was suggested to them, but left to their discretion, of withdrawing altogether and returning home. There was also a vote of thanks to Wise, Barnard, Stanly, and myself, and others, for our exertions in sustaining the right of New Jersey in the House.

But the Committee of Elections have postponed the consideration of this case for two months, to give the parties time for collecting their evidence; and Randolph told me that the five members were all gone. This state of things was altogether different from that under which the remonstrance and resolutions of the meeting were adopted. I advised Randolph not to withdraw, and thought his colleagues could not, at this time, without appearing to abandon their cause. I advised him also to write to Dr. Condict, and to present the remonstrance himself; but said I would present it if he so preferred.

He said he scarcely knew what to do, and appeared dejected. It is plain that the same rotten majority which committed the first outrage will carry it through, and not only expel the five members duly elected, but admit the five spurious pretenders. In the House, after some preliminary squabbling, Goode, of Ohio, made a sensible speech of three hours upon the defence of General Harrison against Crary's attack of yesterday. Corwin then took the floor, and reminded me of Apollo skinning Marsyas. When he came to the Cumberland Road, about four o'clock, he moved to adjourn; carried.

16th. Mr. Meehan, the Librarian of Congress, yesterday told me that in the violent storm of the night before last one arm of the emblematical statue of America in the pediment over the entrance-door of the hall of the House of Representatives—my design, so beautifully executed by Persico—had been blown away, and came down with a tremendous crash. He said the group was of freestone. I said it was ominous. He said he hoped not. But he was mistaken as to the statue mutilated. It is not the figure (of America), but that of Justice, which has lost her right arm, nearly to the elbow—still more ominous,

and painfully significant of the condition of the hall within, where Justice has emphatically lost her right arm.

19th. I found the House in session, the Clerk reading the journal of yesterday. The first thing taken up was the resolution offered by Campbell, Chairman of the Committee of Elections, for the printing their journal and other papers, with the amendment of Cave Johnson, for the printing of all their papers for the use of the House; which amendment Campbell, this morning, said he was instructed by the committee to accept. Millard Fillmore had the floor from yesterday. He is a member of the committee, and commenced a speech against Cave Johnson's amendment, in which he related sundry transactions in the committee, and read a resolution adjourning the further consideration of the subject till the 12th of April, giving the parties the interval to collect further testimony. Fillmore was exposing the motive to this movement—the design to force a report from the committee, and a decision upon the New Jersey election, without waiting for the testimony. I have foreseen from the beginning that this would be the last resort of the Administration party, and that they would end, as they began, by arbitrary decision instead of adjudication. When Fillmore began to read the resolution of the committee, Petriken made a point of order, insisting that he should make no allusion to anything that took place in the committee; and this point of order, as usual, threw the House into confusion. The Speaker decided that it was not in order to refer to anything that took place in committee, and therefore that Fillmore must not read the resolution. Fillmore appealed, and withdrew his appeal. A motion was made that he should have leave to proceed, and it was coming to a call of yeas and nays. I then appealed from the Speaker's decision; debate followed, and at one o'clock the orders of the day were called. There was a struggle to continue the debate on the New Jersey election; but the orders of the day prevailed.

A bill from the Senate making an appropriation to remove a raft from the Red River of Arkansas was first in order, upon which Biddle had moved a reference to a committee with instructions; upon which he made a speech of an hour and a half

against the appropriation. Answered by Cross, of Arkansas, and by Rice Garland. Beatty, of Pennsylvania, about four o'clock, took the floor, and moved to adjourn; which was carried. Biddle's artillery is heavy, but he wastes his powder in petty warfare.

The Speaker came and spoke to me of my appeal from his decision; in which, he said, he wished me to persist.

20th. I finished this morning the draft of a report on the Smithsonian Bequest bill, to be submitted to the committee, and left it with Mr. D. D. Barnard, at his lodgings. I have requested him to read it, and to suggest any alterations, additions, or omissions which may occur to him as advisable, before I presented it to the committee.

The Speaker sent for me to his chamber, to adjust the phraseology of his decision and my appeal made yesterday; which was done. This appeal was the first business of the day. I had the floor, and, after the usual struggle to get other business before the House, I briefly stated my reasons for making the appeal.

Linn Banks made a speech to sustain the decision. Concurring with me in the abusive practice of majorities in the application of the rules, perfectly willing that Fillmore should read the resolution of the committee, upon which the point of order had been taken, he still thought it all-important that the majority should hold their grasp upon this engine of power. He asked me to withdraw my appeal, and at the same time he moved to lay it on the table; but withdrew his motion upon being reminded that if the appeal was laid on the table the resolution would of course follow it.

Pope and Briggs replied to Banks; the hour expired, and the orders of the day were called. Graves moved a suspension of the rules to introduce a resolution of investigation into a dirty transaction of the Postmaster-General, but failed by a vote of one hundred and eighteen to eighty-two—not two-thirds. Petriken offered a ridiculous preamble, censuring the last Congress for incompetency in passing an imperfect bill. Dawson and Wise warmly opposed the preamble, and Dromgoole, with much intercession, prevailed upon Petriken to withdraw it.

21st. At the House, after much effort, particularly of David Russell, Chairman of the Committee of Claims, to obtain leave for the committees to report, my appeal from the Speaker's decision was taken up, and the decision confirmed by an unflinching party vote.

After this decision, Fillmore commenced resuming his speech; but Petriken insisted that, having been declared out of order, he could not, without special permission from the House, proceed. Here was another point of order, and another brawling debate, till past one o'clock. It was apparent that the Administration party intend to force a decision upon the New Jersey election without waiting for the testimony. They had come prepared to force it this day; so that when, after the expiration of the hour, the call was made for the orders of the day, the House refused, by yeas and nays—ninety-one to one hundred and two—to do so. Then they contended that the question upon Cave Johnson's amendment to the resolution offered by Campbell was still under debate. And so the Speaker at first decided; but the reverse had been repeatedly decided before; and, Fridays and Saturdays being expressly assigned for private business, the Speaker finally decided that this order of business is a different thing from the orders of the day, and can be set aside only by a majority of two-thirds.

After much manœuvring to bring him round again, Holleman most respectfully took an appeal from his decision; which was confirmed, by yeas and nays—one hundred and sixteen to sixty-four.

On returning to the House, I found them upon the bill for continuing the office of Commissioner of Pensions, and Proffit on the floor, making a regular retrenchment speech upon a motion to reduce the salary of the Commissioner from three thousand to two thousand five hundred dollars a year. Then a wrangling-match between Proffit and Graves and Albert Smith, about the relative extravagance of the Whig and Democratic parties, in which Duncan manifested a convulsive passion to take a part; he finally, about half-past four o'clock, moved the adjournment; which was carried.

Briggs came to my seat and asked me how I should vote

on the question to reduce the Commissioner's salary. I said, against it. He said he believed he should do the same. I said the whole scheme would prove a humbug.

24th. This was the alternate Monday for receiving resolutions, but upwards of two hours were consumed upon a motion of John W. Jones to make the new Treasury Note bill for to-morrow the special order of the day. He moved to suspend the rules; but failed, by yeas and nays—one hundred and three to eighty. Then Campbell moved that the Committee of Elections should have leave to send for persons and papers in the two contested cases of Charles J. Ingersoll against Naylor, and of the memorial against the election of Osmyn Baker for the Sixth District of Massachusetts. There was a wrangling debate upon this resolution, terminated only by the previous question, and two votes of yeas and nays. The leave was given in both cases.

At last, about half-past two, the call for the resolutions commenced with the Territory of Iowa. Several of the members attempted to squeeze in petitions, memorials, and resolutions of State Legislatures, and Rariden, of Indiana, moved a suspension of the rules to let in a reference to a committee of some favorite of his own, but failed, like all the rest. The Speaker was calling the State of Kentucky, when, after four o'clock, a motion to adjourn was carried. Casey had moved a suspension of the rules for a resolution to continue four days longer the daily reception of petitions; but he failed; and his real object was not to receive petitions, but to bring up again the Cumberland Road debate.

Granger told me he had received several memorials praying for the rescinding the rule of 28th January, and enquired if I had any. I had; and said, as his State would be called before mine, I wished him to move the resolution to rescind; which, if no other member should do before the call of my State, I should do myself. He said he would. I had one memorial from Boston, signed by more than a hundred names, none of whom were personally known to me. I took it to Mr. Lawrence, who said he knew many of the signers—respectable men.

25th. At the House, the day was consumed upon the resolution offered by Campbell, Chairman of the Committee of Elections, and the amendment proposed by Cave Johnson. The House, by a close party vote—ninety-six to ninety-one—sustained the decision of the Speaker, that Fillmore, having been pronounced out of order for offering to read a resolution adopted in the Committee of Elections, could not proceed in his speech without permission of the House. They then passed a vote of permission; which he respectfully declined.

Fisher, another member of the committee, then spoke about an hour of invective upon the proceedings of the majority of the committee; repeatedly called to order, and pronounced out of order by the Speaker, but suffered to go on as he pleased.

Crabb, a member of the committee on the other side, attempted to speak, but was silenced. Truman Smith, of Connecticut, another Whig member, took the floor near four o'clock, and, after he had spoken about half an hour, upon a second taking of yeas and nays, the House adjourned.

26th. The Smithsonian Bequest Bill Committee met at the chamber of the Committee of Manufactures, at ten o'clock. Present, Adams, Shepard, Garland, Barnard, Corwin, and Lewis; absent, Ogle, Smith, of Maine, and Campbell, of South Carolina, who is sick, confined to his chamber, and was not notified. I presented my report, of which I briefly stated the contents. The committee authorized me to present it to the House and move it be printed. The additional sections and the estimates were read, and authority was given me to report them with the bill; also the messages of 6th and 7th December, 1838, and any other document, at my discretion.

Dixon H. Lewis proposed to report a counter-project for the establishment of an agricultural school on Fleischmann's plan. It was agreed that he should present to the House his counter-project at his leisure, and that it should also be printed. Lewis declared his aversion to the acceptance of the bequest, which he said only gave trouble to Congress, by diverting their attention and consuming their time upon subjects not suitable for their legislation. He asked again that a motion might be made

to have Fleischmann's memorial at the last session of Congress reprinted; which was agreed to.

In the House, the New Jersey election case was brought up at once. Johnson, of New York, moved a resolution for an investigation into a dirty bargain by the Clerk of the House, given to Langtree. But Truman Smith, of Connecticut, had the floor, and declined yielding it. He made a speech of three hours in answer to Fisher's most disingenuous speech of yesterday. Smith was followed by Rives, of Virginia, about half an hour—very angry and very dull; then by Weller, of Ohio, one of the blustering bullies of the House—noisy and surly. He began by saying that there had been enough said on the subject, and that he would move the previous question; and then he launched into standing commonplace declamation and vulgar abuse, till he acknowledged that he could not fairly move the previous question.

Crabb, a Whig member of the committee, then got the floor. Weller tried to take it back from him by pretending that he had not finished; but in vain. Crabb kept the floor, and, after twice taking the yeas and nays, the House adjourned. I went into the Senate to give Mr. Webster a remonstrance against the bloodhounds, addressed to me but directed to him. Heard Mr. Crittenden.

27th. In the House, Crabb, of Alabama, had the floor on the New Jersey election debate. I asked him to allow me to present a report and documents from the Smithsonian Bequest Bill Committee. He said that with the general consent of the House, if no objection were made, he would readily yield me the floor for that purpose. Turney, of Tennessee, objected, and I could not report my bill. Jones, the Chairman of the Committee of Ways and Means, fared no better. Crabb spoke till the hour elapsed, when the orders of the day (were called for). A call of the House was moved, and refused, by yeas and nays—eighty to ninety-seven. Then they refused to take up the orders of the day—ninety-five to one hundred and three. Crabb then resumed his speech, and continued till past four o'clock. When he finished, Medill, of Ohio, took the floor, and moved an adjournment; which was carried. They

have now determined to force the five counterfeit members into the House, without waiting for the testimony which the Committee of Elections have given the parties time to take in New Jersey.

28th. At the House, William Medill, of Ohio, a member of the Committee of Elections, had the floor, and, after another abortive attempt of John W. Jones to get the rules suspended to fix to-morrow, and every day after, except Monday, for the Treasury Note bill, made a speech of about four hours, chiefly of invective upon the Governor and Council of New Jersey. He reproduced all the ex parte documents which Duncan had read before the case was referred to the Committee of Elections, and assumed, for the first time, that where, as in New Jersey, the elections are held by ballot, there can be no proof that any votes admitted were illegal. And this will ultimately settle the question. He said, further, that it had been the common practice of receiving votes of unnaturalized foreigners.

Aaron V. Brown, of Tennessee, after a short speech, moved the previous question. Fillmore had moved, as an amendment to Cave Johnson's amendment, the word "lawful" before evidence, and to strike out the word "forthwith" from the instructions to the committee to report. He finally withdrew the motion to strike out "forthwith," and the first question was on the word "lawful"—ninety-six to ninety-six; carried by the casting vote of the Speaker.

Then came the question on Cave Johnson's amendment thus amended; carried—one hundred and three to ninety; and the resolution as amended was carried without taking the yeas and nays, and almost without a negative vote. Briggs then moved to adjourn over till Monday. After a long struggle, and a count by tellers to take the question by yeas and nays, when decided to be so taken the motion was rejected—sixty-two to ninety-three—and close to eight o'clock the House adjourned. Thomas was there, and walked with me home. It is now clear that the commissioned members from New Jersey will fail to prove the illegality of the votes by which their competitors had the majority of all the votes delivered, and that for this failure the adversary members will be forced upon

the House and the country. As usual, the Whig absentees from the House have left the field in possession of the enemy.

March 1st. I walked to the Capitol, and heard Mr. Cookman, the Chaplain of the Senate—an English Methodist, settled here within the last two years, and celebrated for his eloquence. His text was from 1 Timothy iv. 16, first clause of the verse: "*Take heed* unto *thyself;*" which words he pronounced with a loud voice, a deep emphasis upon each of the underscored words, and a semicolon pause between each of them and the next. He then began by some general remarks upon the characteristic of the present age, which he said was *excitement*, *association*, movement in *masses*, the power of numbers, which he exemplified by alluding to the multitudes of meetings, of conventions, of societies for political, religious, or benevolent purposes. But he was now about to address his auditory individually, in a solitary capacity, and, in the words of the Apostle Paul, to say to each man, woman, and child who heard him, *Take heed* unto *thyself.* What an easy, natural, beautiful introduction! He made no formal division of his subject, but it divided itself, and he had the skeleton always in his head. First, guarding against any imagination that his object was to inculcate selfishness, but only the spirit of that self-love which is implied in the precept to love thy neighbor *as* thyself, he successively repeated, Take heed what thou thinkest, what thou sayest, what thou doest, with obvious considerations of the relative importance of thoughts, words, and actions, upon each of which he descanted at considerable extent; then, still repeating the injunction, Take heed to thyself, applied it to the several relations with others. He finished with words of exhortation, particularly addressed to the younger part of his hearers: Hast thou ever done a good action? I hope thou hast, many. What thinkest thou of them now? Do they not afford thee an inexhaustible source of pleasure? Hast thou never sinned? I know thou hast. What thinkest thou of that sin now? I will tell thee what thou thinkest. With regret—with regret, if not with remorse: thy habitual thought is, I wish I had not committed that sin. Oh, think, then, that on thyself depends whether thy destiny after this life shall be an

eternity of blessedness or of woe. Then, after a somewhat overcharged and hyperbolical declamation upon eternal punishment, he closed with saying, Oh, think of that dying admonition of a pious father, think of that angel-voice of a beloved sister, urging thee to virtue, and TAKE HEED unto THYSELF! He closed, and the tears were streaming down my cheeks.

2d. My time straitened me to attend a meeting of the Committee of Manufactures, and I was there at ten o'clock. No quorum. Mitchell, Davis, and Eastman attended, and at a quarter-past eleven adjourned till Thursday. Five minutes after, Dromgoole attended, and would have made a quorum. The irksomeness of attending committees is almost universal, and throws upon the Chairman all the burden of the committee's labors.

In the House it was the regular day for the reception of petitions, but the Speaker decided that the resolution offered by Casey, to refer to the Committee of Ways and Means a memorial praying an appropriation for the continuance of the Cumberland Road through the States of Ohio, Indiana, and Illinois, with instructions to the committee to report a bill, had preference over the presentation of petitions. From this decision Governor Lincoln appealed; but it was sustained by the House.

It was unquestionably wrong, and annuls a proviso incorporated into the rules upon an amendment offered by me, that no debate should be held on any petition upon the day when presented, or upon any other day assigned by the House for the presentation of petitions. My amendment had hitherto been of some avail. It is now annulled. And the vote of the House was carried, not upon the merits of the rule, but for the effect that it would have had to displace the Cumberland Road on the order of business, so that it could not have been resumed perhaps for months. And thus another shackle is fixed upon the right of petition. Not one was presented this day.

Mr. Bell, of Tennessee, had the floor since the suspension of the debate on this subject last week. He spoke upwards of three hours, in answer to Pickens, Crary, and Howard, of Indiana; and his object was to prove the duplicity of the Administration party with regard to the policy of appropriating money

for internal improvements. Little interest was taken in his argument, and the House thinned off as he spoke, till there was little more than a quorum left when he finished.

Casey proposed to modify his instructions to the Committee of Ways and Means, to leave discretionary with them the amount of the appropriation to be made for the continuance of the road. Other members, and among them Rhett, of South Carolina, manifested a wish to be heard, and at four o'clock the House voted by tellers to adjourn.

5th. At the House, after an ineffectual attempt by Chinn to get the rules suspended for a motion respecting the transportation of the mail, and another by J. W. Jones to make the Treasury Note bill the order of the day for to-morrow—both of which failed for lack of a majority of two-thirds—the call of the committees for reports was continued, and at last concluded. I reported from the Committee of Manufactures the bill to insure more effectively the collection of the revenue; which was read twice by its title, referred to the committee of the whole on the state of the Union, and ordered to be printed. I moved that it should be made the special order of the day for the third Wednesday in March; but the House refused.

I presented also, from the Committee on the Smithsonian Bequest bill, an amended bill, with the report which I had prepared, and sundry documents, including the messages of December, 1835, and of 6th and 7th December, 1838, and my report of January, 1836; also an estimate of the expense of erecting and establishing an astronomical observatory. I stated also that a member of the committee, Dixon H. Lewis, would prepare a minority report, which the committee proposed should also be printed, together with the memorial of Charles Lewis Fleischmann, presented at the last session of Congress and then printed. James Monroe proposed that five thousand extra copies of my report should be printed; but the Speaker said it was not now in order, and *No* was heard from several voices. I am convinced that nothing good can be done upon this subject by this Congress.

As night came on, the call of all the committees, standing and select, having been gone through, the Speaker called again

upon the Committee of Elections, and Campbell presented his report on the New Jersey contest, which was read. Petriken immediately moved that the five spurious members from New Jersey should be sworn in; and the previous question. A scene of disorder and confusion ensued—a decision of the Speaker that Fillmore was entitled to the floor, reversed by a vote of eighty-two to eighty-eight, and a strange jumble of votes upon successive motions to adjourn—till one, shortly before nine in the evening, succeeded. I took no part in the snarl; debate it could not be called.

6th. I went this morning to the Capitol with a heavy heart, expecting that Petriken's resolution to swear in the five false claimants to their seats would be forced through by the previous question, without waiting for the evidence to come, reading that which has been received, or hearing the commissioned members on their claim. I had resolved, if thus called, not to answer to my name. Many other members had determined to do the same; and if all the minority would do so, the majority could not form a quorum of the House, and therefore could not perpetrate this outrage upon all justice and all law. I found there were so many Southern members afraid to hazard this experiment that it cannot be carried effectively into execution. I resolved, however, at all events, to practise it myself, and await the consequences. I found, soon after the reading of the journal, that there was some flinching also on the Administration side. The whole party could not be brought to the point of taking the question now without a word of discussion upon the report of the committee.

Briggs offered a resolution to postpone the consideration of the report until the time fixed by the committee for the return of the parties with their evidence. But this resolution was only read for information, Petriken not having withdrawn his motion for the previous question.

Rives offered a resolution to make the subject the special order of the day for next Tuesday at twelve o'clock, and every successive day till finally disposed of. Upon some remonstrance, he modified the resolution, to commence at one o'clock instead of twelve.

The morning hour expired, and the orders of the day were called—being for private business.

The Speaker then said that before proceeding to the orders of the day he would present to the House a packet addressed to him, received last night, and containing testimony concerning the New Jersey election. And now commenced a new debate, which immediately ran into points of *order*, and consumed the time of the House till five o'clock, when the House adjourned in the midst of the debate, without reaching the orders of the day, without touching a particle of private business, and without even disposing of the packet presented by the Speaker. Fillmore was speaking on a motion of reconsideration. Petriken called him to order. The Speaker decided that he was in order. Petriken appealed, and Holleman moved to lay the appeal on the table. The Speaker decided that this laid the whole subject, and, of course, Fillmore's motion, upon the table, and took the floor from Fillmore. From this decision he appealed, and remonstrated with great vehemence against it, as abridging his freedom of speech. The Speaker found two precedents against his decision—one in 1834, and one of his own. And at this point came the adjournment.

7th. At the House, the whole day was consumed in disentangling the snarl in which the New Jersey election case was left last evening. The Speaker's last revised decision was, that the laying of Petriken's appeal on the table did not take the floor from Fillmore on his motion to reconsider the vote referring the packet of testimony from New Jersey to the Committee of Elections.

From this decision an appeal was taken, and the decision was sustained—eighty-eight to eighty-six; whereupon Duncan took a second appeal from the same decision, upon the ground that, Petriken having moved the previous question upon his motion to swear in the spurious New Jersey claimants, Fillmore's motion was not in order, and ought not to have been entertained by the Speaker. But this decision was again sustained—ninety-nine to eighty-nine. And the floor was thus at last restored to Fillmore.

He then called for the reading of the packet received by the

Speaker; to which the most vehement resistance was made, but the Speaker decided that the papers should be read, and they dared not appeal from the decision. They were depositions proving that the South Amboy election was not lawfully held, and named about twenty unnaturalized Irish workmen, whose votes for the Van Buren candidates were challenged, yet received. Fillmore made some remarks upon the strange and self-contradictory report of the committee, and the manner in which it was palmed upon the House—which exasperated Medill, so that he too told a story of what had passed in committee, and trumped up a base charge against Truman Smith of his holding secret intercourse with the commissioned members; which he discovered by secret intercourse with the other party.

Campbell endeavored to make peace by declaring that the conduct of every member of the committee had been fair and honorable. Turney called the previous question on Fillmore's motion for reconsideration—which was rejected; then alternate motions to call the House, and to adjourn, till near eight o'clock, when the adjournment was carried.

9th. Mr. Bell had offered a resolution to *direct* the Secretary of War to suspend the execution of an article in a treaty with the Winnebago Indians. It had passed without opposition or notice. Bell had come to me and asked if I thought it improper to use the word "directed," as applied to the Secretary of War, and whether "requested" would be better. I had not till then noticed the resolution, but when he read it to me I said that neither "directed" nor "requested" was a suitable word; the House could neither direct nor request the head of an Executive Department to suspend the execution of a treaty; and I would move a reconsideration of the resolution. He said he would ask leave to modify it. He did so; and I moved the reconsideration. This was on Saturday; but my motion was not entered upon the journal. I therefore again moved the reconsideration this morning. Bell asked leave to modify it to a mere declaration of expediency—which was done by general consent. The day was consumed in receiving resolutions, the Speaker beginning with Kentucky, where he had left off this day fortnight, going northward to Maine, and then

backward to Ohio and the States which had then been called. My call on the Secretary of the Treasury for a report of State stocks purchased was passed; but at the sound of the call on the President for the "Amistad" correspondence, up started the mobocracy and objected.

I then offered a resolution of call upon the Secretary of War concerning the employment of the bloodhounds. Linn Boyd instantly called for the yeas and nays on the question of consideration. Turney told him it must be on the passage of the resolution; and he moved accordingly. The resolution was thus received; which I had not expected. I said, if the yeas and nays were to be taken, I should wish to assign in a few words my reason for offering the resolution; and it was laid over, of course. They will never take it up.

10th. At the House, after the reading of part of the journal, and frequent motions to suspend the reading of the numerous resolutions that were offered, which were for some time resisted by Proffit, of Indiana, a motion was at last made to suspend the rules and supersede the further reading of the journal; which was carried. Then Petriken's amendment and previous question came up. Botts, a member of the Committee of Elections, presented a minority report, and asked for its reception; objection was made. Botts moved a suspension of the rules to admit the report. The vote was one hundred and fifteen to eighty to suspend; but, there not being two-thirds, the report was excluded. The second to the previous question, taken by tellers, was one hundred and nine to eighty-one; the previous question was carried, by yeas and nays—one hundred and thirteen to ninety-two. Upon the main question, I did not answer at the call of my name. Two others only of the opposition did the same. James Monroe asked to be excused from voting, on conscientious scruples, and was excused. Russell offered a resolution that I should be compelled to vote; then he modified it to include the other two, and then came back to the call upon me alone, which the Speaker decided to be in order; but his decision was reversed—eighty-six to one hundred and three. Petriken's amendment and proviso were divided, and two separate questions were taken. Botts then

offered his minority report again; but objections arose, and confusion, and an adjournment was carried shortly after three. I was deeply afflicted at the event of this day, and pray for self-possession and resignation.

11th. At the House, Mr. Fillmore gave me a written authority from Mr. Hiland Hall, of Vermont, to occupy his seat during his absence, which will be for about a fortnight. He left the city this morning, and his seat is a very good one. Mr. Wise was in his seat again this day, after an absence of nearly a month, sick, and for the last fortnight at Philadelphia.

After the reading of the journal, the Speaker called for reports from the Committee of Elections; and Mr. Campbell presented his supplementary report on the New Jersey case, with the journal of the proceedings of the committee, and the testimony upon which their prior report was made up, but not the depositions last received and referred to the committee; and the report closed with a recommendation that the reported papers should be printed. Rice Garland moved that the depositions last received and referred to the committee should also be printed. Petriken objected that this was not in order, because the papers were in possession of the committee and not of the House. Garland modified his amendment two or three times, but Petriken always met him with a point of order, and Dromgoole threatened the Speaker with an appeal from his decision if it should be in Garland's favor.

Garland noticed the insolence of this menace of a party majority, and the Speaker coolly suggested to Garland the form in which his motion would be in order. Garland said he was indifferent to the form of his motion, and Dromgoole, with his brandy-brazened face, consoled himself with a boast that on the point of order he had been right. A debate then followed, venomous as a rattlesnake, between Rives and Medill on one side, and Fillmore and Truman Smith and Crabb on the other, which was cut short by the expiration of the hour and the call for the orders of the day.

12th. In the House, Jenifer had the floor on the second report from the Committee of Elections; but he made little progress, the morning hour being consumed in bitter alterca-

tion in the form of explanations between Fillmore, Medill, Truman Smith, Botts, and Campbell, the Chairman of the committee. The lie and rascality were freely circulated among the parties. Jones, Chairman of the Committee of Ways and Means, parted them by calling for the orders of the day.

Bell's bill for securing the freedom of elections was first in order; but he consented to pass it over, on condition that it should not lose its place on the calendar, that the Treasury Note bill might be immediately brought up. This, Mr. John W. Jones, Chairman of the Committee of Ways and Means, introduced with a dull and feeble speech of about half an hour, when Cushing opened a battery upon the bill and upon the Administration, till a quarter-past four, when, without concluding, he yielded the floor for a motion to adjourn; which was carried.

13th. At the House, Jenifer occupied again the floor upon the New Jersey election case, and exposed the falsehood of the report of the committee, and the prevarication of the majority of the committee who made it. The subterfuges and evasions to suppress the testimony which falsifies the conclusion of the report are heart-sickening. A supplement to the National Intelligencer of this morning contains an address to the people of the United States, signed by Millard Fillmore, Truman Smith, George W. Crabb, and John M. Botts, the minority of the committee, and their report, which the majority of the House have suppressed by refusing the order that it should be printed.

At the close of the hour, John W. Jones called for the orders of the day, and feebly asked that the consideration of the Treasury Note bill should be taken up, but did not call for the yeas and nays, and his motion to suspend the rules was rejected. Vanderpoel said to me yesterday that, as no appropriations had been made, he saw no reason for hurrying the Treasury Note bill. The true reason of their delay is to wait for the reinforcement of their five recruits from New Jersey. As I had no charge of any other of the bills which could come up this day, I availed myself of the opportunity to go into the library to look up some information respecting the use of

bloodhounds. Mr. Wise had taken out of the library Dallas's History of the Maroon War in Jamaica, in two octavo volumes, which he yesterday put into my hands, I to be responsible for returning them to the library. I found there, in the thirty-second volume of Hansard's Parliamentary Debates, p. 922, the debate upon General McLeod's motion in the House of Commons on the 21st of March, 1796. The most distinguished speakers in this debate were Dundas and Sheridan—Dundas apologetical, and promising to prohibit the use of the dogs, on the faith of which General McLeod withdrew his motion. I found also a history of the Maroon War, at the close of the first volume of Bryan Edwards's History of the West Indies. General McLeod in his speech read an extract from Robertson's History of America, referring to the work of Las Casas concerning the use of bloodhounds against the Indians by the Spaniards in that age. I have still to consult Robertson and Las Casas. On returning to the House, just after the clock struck four, I found the members coming out, the House having just adjourned. The committee had been obliged to rise upon finding itself without a quorum.

14th. At the House, the first hour was occupied again by Jenifer, in examining, reviewing, and dissecting the report of the Committee of Elections, and the gross inconsistency of the majority of the House, and of the committee, in their proceedings. Neither the report of the committee, nor their journal, nor one particle of the testimony, has yet been printed. Not a word of the testimony against the illegal returns rejected by the Governor and Council of New Jersey was even considered by the committee. They gave the parties time to take their testimony till the second week in April. Six weeks before that time, the House pass a resolution instructing them to report forthwith which set of the candidates had a majority of the lawful votes of the people of New Jersey; and they report forthwith that the non-commissioned claimants have a majority of lawful votes; with an argument proving that whether the majority was of lawful votes or not depends entirely upon evidence yet to come, and for the procurement of which the committee had given the parties time till the second week in April.

In this state of things, evidence is received by the House proving the illegality of the South Amboy election; in the face of which, under the screw of the previous question, the House pass a resolution directing the Speaker to swear in the non-commissioned members as having the majority of the lawful votes, without waiting for further evidence, and without ever having heard the parties.

Jenifer has probed this state of the proceedings till the majority of the committee writhed in agony. At the expiration of the hour, this day, Jenifer was drawing to a conclusion, when the orders of the day were called. Rives entreated that the House would suffer the debate to proceed, and moved a suspension of the rules; which was lost. He then asked, as a favor, to be permitted to make a personal explanation.

Not allowed.

He then imploringly appealed to his *party*, and asked if he had not a friend who would move to suspend the rules that he might make his explanation. Botts did then make the motion. The yeas and nays were called, and the motion was carried—one hundred and thirty to thirty-two. I voted in the negative. Rives then made a rambling, bullying, ridiculous speech of an hour, till, after repeated calls to order, he was obliged to take his seat, with a face as sheepish as it had been wolfish when he began. The day was wasted, and the House adjourned.

16th. In the House, the pretenders from New Jersey, Dickerson, Vroom, Cooper, Ryall, and Kille, appeared, were sworn by the Speaker, and took seats. Jenifer moved to postpone their qualification till the second week in April, that the commissioned members might be heard. The Speaker decided this motion not in order. There was a call for the credentials of the counterfeits. The Speaker said there was a resolution of the House that they should be sworn, which superseded the necessity of their producing credentials; and they were sworn.

17th. At the House, a motion was made to suspend the rules to enable the members from the States which were not called yesterday to present petitions; but it was lost—ninety-one to eighty-two. John Reed was allowed to report two bills from the Naval Committee, having been absent, from indisposition,

when the committees were called. Jenifer then concluded his speech upon the motion for printing the journal and papers on the New Jersey election case. Jenifer convicted the majority and Chairman of the committee of the grossest and most glaring inconsistency; in which the majority of the House is equally involved. I never knew a case in which justice was set at such open and shameless defiance as in this.

Jenifer was succeeded by A. V. Brown, of Tennessee, a member of the majority of the committee, who had spoken only a few minutes when the hour expired, and the orders of the day were called. The House went into committee of the whole on the state of the Union, W. C. Dawson in the chair. Cushing, in an hour and a half, concluded the speech which he had commenced last Thursday, upon the general policy of the Administration and its errors—a very sensible and eloquent speech, but not bearing upon the bill before the committee, against which there is no real opposition.

Mr. King, of Georgia, took the floor when Cushing finished, and, it being a quarter-past three, moved an adjournment; which was carried. I went into the library, and consulted Buffon and Goldsmith on the natural history of the dog, and Spanish dictionaries for the word "Lepreles," which I could not find.

18th. At the House, Aaron V. Brown, of Tennessee, a member of the Committee of Elections, occupied the morning hour in a laborious, abortive effort to defend the majority of the committee against the charges of Jenifer. Neither the majority of the committee nor the House can be defended for their conduct in this case. To this day there has been neither authentic evidence nor hearing of the parties before the House; and the committee, after they had given time to the parties to take testimony till the second Monday in April, by order of the House reported that the spurious claimants had the majority of the lawful votes—when the very purpose for which they had given time to the parties to take testimony was to ascertain that fact. The conduct of the majority of the House in this case, from beginning to end, has been governed by will, and not by judgment; and so I fear it will always be in every case of contested election. I never knew it otherwise. Mr. Brown's

argument was moderate and decorous in manner, but at once over-confident and feeble in substance. He told me that he was not much accustomed to public speaking, and that he had spoken under much agitation. But he preserved perfect self-command, and a clear and consistent course of argument in answering the successive charges of Jenifer. It is a remarkable illustration of the composition of Congress, that, in this committee of nine members selected at random, every one has a good talent for public speaking.

19th. At the House, Mr. A. V. Brown occupied the morning hour again in defence of the majority of the Committee of Elections, to the great delight of his colleagues, Medill, Rives, and Fisher, and of the Chairman, Campbell. He made as much of the cause as he could, and used the weapon of ridicule to slur over the radical breach of faith of the majority of the committee and of the House in giving time to the parties to take evidence to ascertain who of them was lawfully elected, and then, before the given day, without waiting for the evidence, and without hearing the parties, admitting one set of the claimants to the contested seats, under a forced report that they had a majority of the lawful votes.

At the expiration of the hour, J. W. Jones called the orders of the day. Several Executive communications were received, and among the rest a report from the Secretary of the Treasury on my resolution calling for an account of the investments of public moneys in State stocks.

20th. At the House, Mr. Aaron V. Brown consumed, within a few minutes, the morning hour in concluding his speech on the New Jersey election case; and when he sat down, Watterson, of Tennessee, right behind him, instantly started up and moved the previous question. By what accident it happened I know not, but this motion failed to obtain a second, by a vote of fifty-eight to seventy-seven. Botts then took the floor, but said he would yield it to any member of the majority of the committee who might wish to address the House. Campbell said that he was willing now to rest the case where it was, and take the question; but whether he might have occasion to say anything further on the subject might depend upon what Botts

should say. Fisher said much the same. Botts asked Medill if *he* did not wish to speak further in his own justification. Jenifer had indirectly, but explicitly, and in a manner the more emphatic for being indirect, charged him with lying. Medill said he should not notice any personal imputation upon himself unless it should come in a tangible form. Rives, saturated with mortification at the issue of his achievement of last Saturday, consumed in supplication to the House to save him, his wife and children from the necessity of his fighting a duel with Jenifer, now said nothing. Botts began, and spoke about five minutes, when Jones, Chairman of the Ways and Means, called for the orders of the day, and moved a suspension of the rules to take up the Treasury Note bill. Russell, Chairman of the Committee of Claims, insisted upon adhering to the rule of preference for private business on Fridays; and the motion to suspend failed for lack of two-thirds—one hundred and three to seventy-two.

21st. At the House this day there was some waiting for Mr. Botts, who was engaged with the Committee of Elections until sent for. He then began his speech on the New Jersey election case; but in about half an hour, by a call from John W. Jones for the orders of the day, the subject was again postponed. Jones moved, as usual, to suspend the rules to take up the Treasury Note bill, and again failed for lack of a vote of two-thirds—the yeas and nays being one hundred and one to sixty-six. The private bills reported yesterday from the committee of the whole were taken up and passed to a third reading without opposition, excepting the bill for the relief of the sufferers by fire in New York, which was pertinaciously debated and resisted tooth and nail by Petriken and his gang, but finally passed to a third reading, by yeas and nays. The question, when the third reading should be, came next. The call was for now. Turney moved this day week. The vote was for now, but by the chicanery of successive motions for adjournment the purpose was defeated, and by the Speaker's want of energy, or his lukewarmness to the efficient adjustment of private claims, the House adjourned between three and four without passing a single bill. They ought to have passed at least forty.

23d. At the House, a motion was made to suspend the rules, which devote this day to the presentation of resolutions, to take up that of petitions. The first vote, by rising, was seventy-seven to thirty-six—more than two-thirds, but no quorum. I called for the yeas and nays, and the vote then was one hundred and seven to sixty-two—not quite two-thirds, but so near it that, while it was taking, Clifford, of Maine, came to my seat and entreated me, as my turn to be called for petitions would come before his, to offer only those of my petitions which would occasion no debate, postponing the others till next Monday, which will be petition day again.

I told him that it would give me the greatest pleasure to accommodate him, but that I had already once postponed the presentation of debatable petitions at the instance of others, and could not, in the conscientious discharge of my duties, repeat the concession. But the suspension failed, as did the motion of John W. Jones to suspend in order to take up the Treasury Note bill, by a vote of one hundred and twelve to sixty-seven.

The call for resolutions commenced with Maine. Massachusetts soon followed. I offered three resolutions: 1. A call upon the President for documents relating to the surrender of persons demanded by foreign Governments, or upon them by the United States, in the case of the schooner Plattsburg and others; adopted without opposition, after Dawson had required a second reading of it before the vote was taken. 2. A call upon the Secretary of the Navy for a statement of purchases and sales of navy pension fund investments in State stocks; adopted without opposition. 3. A declaratory resolution against the practice of pairing off; objected to by Graves and Turney, and laid over. 4. I called up and modified the resolution respecting the Africans of the Amistad; adopted. The call reached the State of Indiana, when, upon an attempt of Rariden to introduce a bill, the House adjourned.

24th. "Nuit blanche." At the House, after an ineffectual motion of Rariden to suspend the rules to conclude the call of the States for resolutions, the New Jersey election report came up for the morning hour, which was consumed without his

concluding. Jones, of the Ways and Means, called for the orders of the day. Committee of the whole on the state of the Union, Dawson in the chair. Trumbull made a speech against the bill. Mr. Black then moved that the committee should rise, to enable him to make the report from the Committee on the Public Printing, which was to be made this day; but this motion was lost. The floor was then occupied successively by Evans, Underwood, Waddy Thompson, Monroe, Biddle, Habersham, Nisbet, and Warren, all in opposition to the Administration rather than to the bill. Then, about sunset, Mr. Barnard rose, and said that he wished to present his views at large upon the bill, but, being somewhat indisposed, and much exhausted, he asked the indulgence of the House to postpone hearing him till to-morrow, and moved the committee should rise, with a view to the adjournment of the House. The men of Kinderhook had decided that they would force the bill through, without answering any of the opposition speeches, this night. They refused to rise, by a vote of tellers—fifty-three to ninety. Mr. Barnard, after a few remarks, reasserting his inability from physical weakness to do justice to himself or to his constituents, indisposed and exhausted as he was at that time, moved again the committee to rise. The count was again taken by tellers, and was ten ayes, eighty-five noes—all the opposition members forbearing to vote, and thus leaving the majority without a quorum. The committee were thus compelled to rise and report this fact to the House; and this first disclosed to both parties of the House the secret of the defensive strength of the minority—a strength the more impregnable as it consists in silence and precludes all disorder. The rage of the majority at this discovery was unbounded; but it was impotent. After various efforts to prove a quorum present by counting the members, all ineffectual, the committee rose and reported no quorum. Dromgoole, lisping drunk, moved a call of the House; Rice Garland, to adjourn. Albert Smith called for the yeas and nays on the motion to adjourn—thirty-four to ninety-five.

25th. A quorum voting. Thirty-four Whigs afraid to abstain from voting upon a call of yeas and nays. If only five of them

had had the firmness to abstain from voting, the majority would even then have been compelled to adjourn for want of a quorum. But, a present quorum being ascertained, the Speaker called the Chairman of the committee of the whole again to the chair. Barnard immediately renewed the motion that the committee should rise, and the vote by tellers was ten to eighty-five; no quorum. The majority, finding themselves impotent for business, resorted to expedients. The first was a call to *count* the members present, to prove a quorum present, which Dawson, the Chairman, at first decided he had no right to do, but for which he afterwards said he had found a precedent, and did. A number of the opposition members then left their seats and went outside of the bar. Dawson counted, and announced one hundred and seven members present. I never left my seat, but did not vote. Motions were made and resolutions were offered by Vanderpoel, Beatty, and Crary, to compel me to vote; but, by previous contradictory decisions of the House, there was no time when any such motion could be entertained. The committee were again compelled to rise and report no quorum. Clifford moved to discharge the committee of the whole from the consideration of the bill; but, as there was an appropriation in the bill not acted upon in committee, this motion could not be entertained. About one o'clock in the morning a call of the House was ordered by yeas and nays—ninety-one to seventy-one; so that there were then at least one hundred and sixty-two members present, besides the Speaker and me, who did not vote. Yet at the first call of the names only one hundred and fifteen members answered. Noisy, confused, and abortive negotiations for compromise commenced—to rise and report the bill, with a pledge that there should be time allowed to debate the bill in the House. At the second call of the names, one hundred and forty-nine answered, fifteen were excused, sixty-two were not excused. The doors were closed, and the Sergeant-at-Arms was dispatched for the absentees. Taylor moved that I should be compelled to vote. Not in order. Beatty moved a resolution of censure upon me for not voting. Not in order. Motions to suspend the call, and to adjourn, were multiplied, and failed.

Twenty-two members at one time, and fourteen at another, were brought in by the Sergeant-at-Arms, called to account, and excused, or fined. At eight in the morning the call was superseded; dilatory motions succeeded, and failed. A second call of the House was ordered, and I now answered to my name. The call was suspended, and about eleven A.M. Mr. Barnard began his speech against the bill, and kept the floor, with some interruptions, till near two P.M. He was followed in a short explanatory speech by John W. Jones; then by Goggin, of Virginia, in a speech of an hour against the bill. Then, after sundry motions for the committee to rise, about four o'clock P.M., Duncan, of Ohio, took the floor, and said he had very few remarks to make upon the bill before the House, but he would make a long speech on the Florida War. He spoke, accordingly, about half an hour, during which the members were dropping and pairing off, till the quorum vanished again. The committee rose to announce it. Three or four members of the two sides agreed to finish the debate on the bill to-morrow, and at five o'clock a motion to adjourn was carried, by yeas and nays—seventy-three to thirty-four.

I walked home, and found my family at dinner. From my breakfast, yesterday morning, till one this afternoon, twenty-eight hours, I had fasted. My carriage had been waiting for me four or five hours last evening, till Thomas, the coachman, could hold out no longer, and came home sick and faint. Jerry Leary remained at the Capitol nearly the whole night, and brought me this morning a couple of small sandwiches, which I ate. But I felt during the whole process neither hunger, thirst, nor drowsiness. Fasting and quietude are the only way for me to pass through these ordeals.

26th. I rose at six this morning, after nine hours of sound sleep, fully refreshed, and confirmed in the belief that the effective means of traversing these prolonged trials of madness and confusion, the nightly calls of the House, is fasting.

At ten this morning I attended the meeting of the Committee of Manufactures. Present, Adams, Mitchell, Tillinghast, Worthington, Eastman; absent, Dromgoole, Nisbet, Davis, and Slade. I offered a resolution that the Chairman be directed to

report to the House a resolution requiring the Secretary of the Treasury to report, in the first week of the next session of Congress, a plan for the entire revisal and amendment of the tariff of duties on imported merchandise to render it sufficient for the raising of a revenue to defray all the necessary expenditures of the Government of the United States, and for the protection and encouragement of the manufactures and internal industry of the country.

This resolution was discussed till the time for the meeting of the House. Worthington and Eastman did not directly oppose it. They were the minority of the meeting, and could not have prevented its adoption. But, as Dromgoole and Nisbet were absent, I wished not to take the committee by surprise, and readily consented to postpone the further consideration of it till next Monday.

At the House, after the receipt of some Executive communications, and of some testimony concerning the New Jersey election case, which was laid on the table, Mr. Botts concluded his morning-hour speech. Andrews, of Kentucky, moved the previous question, but was persuaded to withdraw it, and Medill occupied the remainder of the hour in disgorging the venom of as foul a soul as I have ever met with in public life. Jones interrupted him by calling for the orders of the day. Mr. Black interposed with a minority report of the select Committee on the Public Printing, closing with a resolution for the printing of a majority and minority report, and a bundle of testimony; and yet no report on the proposition for separating the printing of Congress from the newspaper press.

After some altercation between Black and Rice Garland, a minority member of the committee, the resolution was agreed to, by general consent, that all the papers should be printed, and the Treasury Note bill was taken up. Duncan resumed the floor, and discoursed three hours more on the Florida War. The whole speech was made for the sake of a furious onset upon my bloodhound resolution, now on the calendar of business, and which the House will not suffer me to debate.

I assured the House that I should take no notice of any personality which the member should apply to me, and that I

would not now consume a moment of the time of the House, to be charged by the Globe with wasting the time of the House upon irrelevant matter, or to interfere with the arrangement between certain members of the two parties last evening, to finish their debate this day, in which arrangement I took no part, but with which I would not interfere. I trusted the House would at some future day allow me to give my reasons for offering the resolution respecting the employment of the bloodhounds. And as to the justificatory letter of the Secretary of War, it reminded me of two lines of an English poet, applied by him to spaniels, but which seemed equally applicable to the Secretary of War's bloodhounds:

> "So, well-bred spaniels civilly delight
> In mumbling of the game they dare not bite."

A shout of laughter in the House at this quotation cast such a damper upon Duncan's fire that his gang clustered round him and persuaded him to bring his speech to a close.

Then Underwood, Mark A. Cooper, Montgomery, and Tillinghast successively occupied the floor, and proposed amendments. James Monroe announced his intention to defend the reputation of General Scott against Duncan's assertions of facts that are not facts, if he should find such in Duncan's printed speech. Pickens, with his usual pomposity and mystified self-importance, signified much alarm of an imminent war with Great Britain, of which Rice Garland justly maintained that there was no danger. Graves then took the floor for a long speech, and a negotiation ensued till a new bargain was concluded—that the committee should rise and the House adjourn, with a pledge that the bill shall be taken up again immediately on the meeting of the House to-morrow, and shall be definitively then settled. Adjourned at half-past ten, and it was past eleven when I reached home—impransus.

27th. At the House. Committee of the whole on the state of the Union, Dawson in the chair, on the Treasury Note bill. Graves began with a speech of four hours, full of party vinegar and pepper, followed by Black, not less fiery, who came to Congress elected as a Whig, but performs the part of as servile

a Democrat as there is in the House. Graves animadverted with great severity upon the political inconsistencies of Calhoun, Pickens, and the South Carolina Nullifiers, six or eight in number, but sufficient to govern the action of Congress, as they have done throughout this session.

Pickens answered in the Bombastes Furioso style, as usual, awkwardly recanting his ambiguous giving out of war last evening, of which Horace Everett said truly there was not the slightest present danger, but of which Bell somewhat obscurely intimated that he was afraid, from the impetuosity of the people of Maine, secretly stimulated by the men of Kinderhook.

Then followed a game of battledore and shuttlecock, crimination and recrimination, between Albert Smith, Morgan, Cooper, and Ramsey, of Pennsylvania, a buffoonish speech from Alford, and a rough-and-tumble of debate, followed by the successive rejection of all the amendments proposed, till ten o'clock at night, when a motion succeeded that the committee should rise and report the bill. While this was doing, Eastman stationed himself directly in front of the Speaker's chair, and, amid a chorus of "Mr. Speaker" from at least thirty voices, was the first whom the Speaker chose to hear, and he moved the previous question, which was seconded and carried. The bill was ordered to be engrossed for a third reading, by yeas and nays—one hundred and fifteen to seventy-six—and then was read a third time and passed again, by yeas and nays —one hundred and ten to sixty-six. I voted for the bill; but almost all the other opposition members voted against it. Proffit, of Indiana, had made in committee of the whole a desperate dash to tack on to the bill an appropriation of four hundred and fifty thousand dollars for the continuation of the Cumberland Road. It was certainly not in order, but Dawson, Chairman of the committee, decided otherwise. It was, however, rejected by the usual majority, the average of nine to seven. After the bill was passed, Rhett moved to adjourn over till Monday, but, upon counting by tellers, there was no quorum voting, and at half-past ten the House adjourned. My carriage was in waiting, and at eleven P.M. I reached home, fasting and exhausted, but in comfortable health. Upon this

week's labors and adventures I have much to say, but no time for comment.

28th. Whole-night and midnight sittings of the House are a species of dissipation almost as incapacitating as if the hours were wasted in licentious orgies—dissipation of mind, in which the will loses its control over the action of the body. At the House this day the scene was entirely changed. Instead of the excitement of the last four days, instead of the full seats, the crowded galleries, the fiery opposition and antagonizing bustle, half the chairs in the House were vacant, the galleries were empty, and the very sounds of the Speaker's and Clerk's voices were drowsy. The only matter which occasioned any debate was the bill for the relief of Thomas Fillebrown, Jr. He had been an accounting clerk in the Navy Department, and, on Jackson's coming to the Presidency, had been dismissed from office and prosecuted as a defaulter. This prosecution gave him the benefit of a trial by jury, and they found a balance of several hundred dollars due to him. Seven or eight years have since passed away, during which he has been petitioning Congress for this balance, and hitherto without success. The bitterness of party spite has prevented the passage of the bill, and Atherton, of New Hampshire, this day emitted half an hour of his rotten breath against it. But Albert Smith, of Maine, supported it, and Reynolds, of Illinois; and, after narrowly escaping a motion to adjourn, and a fragment of a quorum, it was finally carried, by yeas and nays—seventy-one to sixty-three. After the bills at the third reading were gone through, it was impossible to keep the House together, and they adjourned soon after three. A dull evening succeeded to an over-anxious week; and seeing, as I do from day to day, the downward tendency of all moral principle in our politics, I am almost ready to sink into despondency, and to believe that a judgment of heaven is impending over us. But "why art thou cast down, O my soul? and why art thou disquieted within me? Trust in God!"

30th. Committee of Manufactures at ten this morning. Present, Adams, Dromgoole, Mitchell, Slade, Tillinghast, Eastman; absent, Davis, Worthington, Nisbet. The resolution offered

by me last Thursday was again taken up and discussed. Mr. Dromgoole and Mr. Eastman desired a further postponement. The four votes present favorable to the manufactures might have carried the resolution through had I availed myself of the absence of the other three members; but one of my purposes is, by this resolution, to ascertain and make known to the country the real character of the Committee of Manufactures. In full committee my resolution will not pass; but that fact will be made known to the country, and the manufacturing interest will be advised seasonably of its condition, and warned to exert itself proportionably for its own salvation, at the revision of the tariff.

At the motion of Dromgoole, I was directed to give notice that the resolution would be the special order for discussion at the next meeting, to the absent members. When I passed from the committee-room to the House, I found a member from New York presenting petitions; the House had not been ten minutes in session, but they had already, without waiting a minute for me, decided against my appeal from the Speaker's decision upon one of Mr. Barnard's petitions, that it was within the rule of interdiction. The call proceeded from the State of New York northward, and many of the members offered petitions which gave rise to questions whether they were within the rule of exclusion. Morgan presented one praying for the prohibition of the slave-trade in the District of Columbia. It was not within the letter of the rule, but the Speaker decided that it was within the rule, and, upon my appeal, the House sustained his decision, by yeas and nays—one hundred and nineteen to twenty-nine.

John Smith, of Vermont, an Administration man, presented a petition for measures against the foreign slave-trade, and for a modification of the laws of the District of Columbia so that colored freemen may not be sold for jail-fees. Smith left it for the Speaker to decide whether this petition came within the rules. He decided that it did. An appeal was taken by James, of Pennsylvania, and, upon taking the yeas and nays, they were sixty-nine to forty-two; no quorum. A motion to adjourn was immediately made, but failed. A quorum was rallied, and, fear-

ing that I should be cut off from presenting any petitions by an adjournment, I proposed that the question upon the appeal should now be taken by a count, without consuming time by taking the yeas and nays, when it was ascertained that there was a decided majority of the House to sustain the Speaker's decision. The slavers insisted upon the yeas and nays; whereupon James withdrew his appeal. It was near sunset when the call came to Massachusetts, and the Speaker gave the floor to almost every member from the State before me. Saltonstall had a great number of abolition petitions, and persisted in presenting them one by one, announcing the name of the first signer, the number of signers, and the prayer of the petition, till, in a fit of impatience, Dromgoole started up, and said, if Saltonstall continued, he should raise the question of disrespect to the House. Saltonstall, however, without heeding him, went through.

At last I got the floor, and proposed, as a compromise, to send to the Clerk's table five hundred and eleven petitions, memorials, and remonstrances, and to leave it entirely to the Speaker to dispose of them at his discretion; to return to me those which he should decide to come within the rule, to lay on the table those which would go there by motion if separately presented, and to refer to the appropriate committees all the rest.

Several of the Georgia members resisted the motion; but I stated as my only alternative my determination to present separately each petition and demand the action of the House upon each, which would have carried the sitting through the night. I moved, therefore, a suspension of the rule; and it was carried. My five hundred and eleven petitions were thus received, and the Speaker is to specify those that are not receivable. The call was then continued through the States, to Maine inclusive, and about half-past five the House adjourned.

31st. At the House, Briggs moved an amendment of the journal to specify one of the Speaker's decisions, against the reception of a petition, as included within the rule; but after some discussion the motion was laid on the table by a party

vote. But my motion to suspend the rules, and that I might send to the Clerk's table five hundred and eleven petitions, memorials, and remonstrances to be disposed of by the Speaker, the suspension of the rules, and the fact of my sending the petitions to the table, all appear upon the journal.

I had received yesterday a letter from the Secretary of the Treasury, stating that he had received one from the Collector of New York, urging the great importance of passing, as soon as possible, the bill for suppressing the frauds upon the revenue, and more effectually to secure its collection. I sent it to the Clerk's table to be read, and moved that the bill now before the committee of the whole on the state of the Union should be made the special order of the day for this day fortnight, to take precedence of all other business. There were calls for this day week, and for this day. I modified the motion to this day week. Connor, of North Carolina, moved an amendment to except the Appropriation bills, which was carried by a party vote, and then by a vote of eighty-three to forty-one—barely two-thirds, and barely a quorum voting. My motion, as amended, was carried—Connor, and forty others, the quintessence of party, still voting against it. After an explanation between Waddy Thompson and Duncan, about some brutality of the latter in his Florida War speech, first reported in the Globe as he spoke it, but since qualified in the publication of his speech by himself, Medill took the morning hour upon the New Jersey Election Committee case. He said he would finish in twenty minutes more; but Morgan called for the orders of the day, and Dawson said he wished to offer a resolution fixing an early day for the adjournment of Congress. The order of the day was Bell's bill to secure the freedom of elections, and the motion to reject it at the first reading. He spoke between two and three hours, without concluding.

April 1st. At the House, Mr. Medill occupied three-quarters of the morning hour in closing his speech on the New Jersey election papers, which has become a mere question of trickery between the floating majority and minority of the committee. Fillmore took the floor, not without a contest, for the remaining quarter of an hour. Randolph attempted to correct one

of Medill's false statements of facts, but was not allowed to do it. Fillmore asked Campbell, the Chairman of the committee, whether the whole of a certain document had been read in committee when they made their report. Campbell answered that as much of it had been read as had been called for. Fillmore repeated the question, Had the whole of it been read? Campbell commenced a narrative of the proceedings in the committee. Fillmore pressed his question again, Was the whole document read—yea or nay? Campbell shuffled, without answering either yea or nay; when the orders of the day were called.

Mr. Bell resumed his speech upon his bill for securing the freedom of elections, and spoke about four hours upon the abuses and corruptions of the present and last Administrations —signalizing the organization of an electioneering system of Government by the admission of the Postmaster-General as a member of the Cabinet, by a sweeping system of removals from office upon political grounds, by the attempt to turn the Bank of the United States into an electioneering engine, and, upon its failure, the destruction of that bank undertaken and accomplished. He said he could prove, if the House would give him a committee, that there was a great organized central association, with the President of the United States at their head, and branching out to every State in the Union, by whose command every officer not only in the Government of the United States, but in every separate State, (was to be directed.) And he concluded with a story of a vampire, with which he compared Martin Van Buren. But I did not hear this distinctly, and could not discern its point. Immediately after Bell closed, Watterson, of Tennessee, took the floor, and, at the instigation of Weller, moved an adjournment; which was carried, and before five o'clock. The members of the delegation from Massachusetts received this day six sets of resolutions adopted at their late session, and we agreed to meet Friday morning at ten to confer upon what to do with them.

2d. Meeting of the Committee of Manufactures. Present, Adams, Nisbet, Dromgoole, Mitchell, Tillinghast, Slade, and Eastman; absent, Davis and Worthington. Davis is gone

home, and told me he should be absent about two weeks. Worthington was in the city, but did not attend the meeting, though he knew my resolution was to be considered. We were in committee four to three, and I could thus have carried my resolution. Dromgoole said he wished to address the committee against it, but should decline unless in full committee. Had Worthington been present, and compelled to vote, on party grounds he must have voted against the resolution, and by making a tie would have prevented its adoption. The committee waited for him till within a quarter of twelve, and then adjourned over till next Thursday. He told me that he had attended after the adjournment. His absence was perhaps because wedged between two responsibilities.

The committee discussed and postponed petitions from Isaac Gage, and from Apalachicola, for a free importation of iron, and the bill of the last session for laying a duty upon imported starch.

In the House, the report from the Committee on the Printing was the special order of the day, but neither of the reports, majority or minority, was printed, nor any of the documents, which Black, the Chairman, said were voluminous. Half an hour was consumed in debating to what day the subject should be postponed; it was fixed for next Tuesday week.

Fillmore occupied the remainder of the morning hour, without concluding, in a reply to Medill upon the New Jersey Election Committee controversy.

Alford called for the orders of the day, for the sake of *variety*. But it was variety only of the field of battle. Watterson, of Tennessee, replied to Bell upon his bill to secure the freedom of elections, by anatomizing the Harrisburg Convention recently held, which nominated General Harrison as a candidate for election as President of the United States. He was called to order half a dozen times, as often pronounced out of order by the Speaker, and still went on in the same course. He closed a little short of four o'clock, when Gentry took the floor and moved to adjourn; which was carried.

Mr. John Davis, our Senator, called me from my seat, to consult me upon a bill which he has prepared, making further

provision against the foreign slave-trade, and to prevent the fraudulent use of ships' papers and the abuse of the flag of the United States in such traffic; upon which we had a long conversation. He left the draft of his bill with me to look over and examine.

3d. At ten this morning I attended a meeting of part of the Massachusetts delegation in the House of Representatives, in the chamber of the Committee of Manufactures. Present, Adams, Briggs, Cushing, Hastings, Lincoln, Reed; absent, Baker, Calhoun, Lawrence (sick), Parmenter, Reed, Williams. We had received six sets of resolves adopted by the Legislature at their late session, and agreed to present them as follows: 1, on the Massachusetts claim, by Governor Lincoln; 2, against the repeal of the duty on salt, by Mr. Saltonstall; 3, concerning steamboats, by Mr. Reed; 4, for a national bankrupt law, by Mr. Hastings; 5, against slavery and the slave-trade, by Mr. Cushing; and, 6, against the denial by Congress of the right of petition, by me.

I proposed that towards the close of the session we should sign a joint address to the people of the Commonwealth, accounting for the presentation and disposal of these resolves. This was agreed to, and we are to meet again on the subject.

At the House, Mr. Fillmore concluded his speech on the Election Committee controversy, and was followed by a few remarks from Mr. Crabb. Cushing said the debate had become a nuisance, and moved the previous question. Campbell, Chairman of the committee, pleaded for a respite of ten minutes; but the impatience of the House denied him the indulgence. One amendment proposed by R. Garland was rejected; another adopted. Campbell called for the yeas and nays on the resolution; which was adopted—one hundred and forty-seven to three. The orders of the day were then called, and several private bills passed with a bare quorum in the House. I was twice obliged to call for the yeas and nays to secure a voting quorum for the passage of bills, when a present quorum was ascertained by a call of the House.

Mr. Davis, the Senator, sent me a budget of documents communicated to the Senate's Committee of Commerce on the

subject of the foreign slave-trade, and the complaints against N. P. Trist, our Consul at the Havanna. I read a very long letter of Mr. Fox, the British Minister, to the Secretary of State, Forsyth, containing the charges against Trist, and Mr. Forsyth's answer, which is palliative and excusatory. Mr. Prentiss, a Senator from Vermont, brought and delivered to me in person a letter from , editor of a newspaper in Vermont, calling upon me to deny a statement of some alleged saying of mine, unfavorable to General Harrison, which has been published in the newspapers.

6th. The morning was devoted principally to the perusal of the dispatches from N. P. Trist, Consul of the United States at the Havanna, concerning the fraudulent use of the flag of the United States for carrying on the African slave-trade. They are voluminous, and manifest either the vilest treachery or the most culpable indifference to his duties. For the last three years it is apparent that there has been the most shameful prostitution of the American flag to carry on that traffic; that it has been openly notoriously practised before his face; that as Consul of the United States, and at the same time Acting Consul for Portugal, he has actively lent his aid to it, and, when detected in malpractices by the members of the British and Spanish mixed commission, held a most grossly insulting and insolent correspondence with them, and then, in a long series of letters to the Secretary of State, charges all this unlawful and unhallowed trade to defects in the laws.

There is a very long letter from Mr. Fox to the Secretary of State, denouncing both the abuse of the flag and the conduct of Trist; and Forsyth's answer is as if one of the gang of pirates were appealed to to pass sentence upon the rest—an accomplice judge. Cicero's divination against Cæcilius presents the most parallel case to this that I have met with in history—the prosecutor in secret concert with the criminal.

At the House, the States were called through for resolutions. I offered one to discharge the committee of the whole on the state of the Union from the consideration of so much of the message as relates to this fraudulent use of our flag, and to refer it to the Committee of Commerce, with instructions to

investigate the subject and to report a bill to suppress the frauds. Turney objected, and the slavers were all agog. I sent the message to the Clerk, and had the paragraph read. My resolution was adopted. But objection was made to that for the amendment of the rule concerning the attendance of members, and it lies over. I went into the Senate-chamber, and returned to (Mr. Davis) his draft of a bill and all the manuscript documents he had lent me.

I spoke to Mr. Prentiss about the letter from a newspaper editor, which he had delivered to me, and gave him my reasons for not answering it; with which he expressed himself entirely satisfied.

7th. I read this morning Horace Everett's speech, delivered in the House of Representatives in committee of the whole, upon the Indian Annuity bill, on the 3d of June, 1836. It gives a perfectly clear and distinct exposition of the causes and origin of the Florida War, and demonstrates, beyond all possibility of being gainsaid, that the wrong of the war is on our side. It depresses the spirits and humiliates the soul to think that this war is now running into its fifth year, has cost thirty millions of dollars, has successively baffled all our chief military generals —Gaines, Scott, Jessup, Macomb—and that our last resources now are bloodhounds and no quarter. Sixteen millions of Anglo-Saxons unable to subdue in five years, by force and by fraud, by secret treachery and by open war, sixteen hundred savage warriors! Mr. Everett's speech refers to Executive Documents 269 and 271 of the Twenty-Fourth Congress, first session, 23d May and 3d June, 1836. There is a previous message of the President to the Senate of 9th February, 1836, Senate Document 152 of the same session, containing a report from the Adjutant-General, giving a summary account of the causes of the war. There is a disregard of all appearance of right in all our transactions with the Indians, which I feel as a cruel disparagement of the honor of my country.

8th. In looking this morning over the answer of the Secretary of the Treasury to a call from H. R. U. S., moved by me, for a statement of public moneys invested in State stocks, with a statement of the same thing made from the War Department,

I found a considerable difference between them, and called at the Treasury Department to ask an explanation of it. Mr. Woodbury could not give it—the former report having been made wholly from the War Department, and the Commissioner of Indian Affairs having been since changed. He referred me to Mr. Poinsett, whom I had not time this day to see.

At the National Intelligencer office, and, neither of the editors being there, I left a copy of my report on the Smithsonian Bequest bill to be published in the paper. The House barely met, scarcely read the journal of yesterday, and adjourned. The members of the House nevertheless went in procession, preceded by their Speaker, Clerk, and Sergeant-at-Arms, into the Senate-chamber, where the funeral services were performed over the remains of Thaddeus Betts, one of the Senators from the State of Connecticut. Mr. Hubbard, of New Hampshire, gave me his seat next to that of T. H. Benton, who was there with a daughter from ten to twelve years of age, whom he had most of the time on his knee. This man's affectionate fondness for his children almost disarms me. Dr. Bates read part of the funeral service of the Episcopal Church, and made a very fervid and judicious prayer. Mr. Cookman, the Chaplain of the Senate, made also an appropriate prayer, and delivered a brief discourse from 1 Corinthians xv. 26: "The last enemy that shall be destroyed is death." Mr. Cookman delivered many solemn truths upon the character, the certainty, the consequences, and the awful terrors of death. He said little of the deceased; but that little was good. He was with him in his last hours, and testified that he died with the faith and the hope of a Christian. I rode to the grave-yard with my colleague Saltonstall, Tilghman A. Howard, a member from Indiana, and Philip R. Thomas, a member from Baltimore. There are several additional cubic grave-stones of members of Congress erected westward of the common receptacle since I was last there, one of them of Peterson Goodwyn, with an inscription declaring him a member from Massachusetts. He was from Virginia. Mr. Thomas strayed from us at the yard, and a stranger from Maine took his seat as we returned.

9th. In the House, Hand's resolution to call upon the Secre-

tary of War for an opinion about necessary fortifications, upon which the previous question had been ordered. Wise had offered a more comprehensive resolution, which Hand now accepted as additional to his own, and then moved again the previous question. I asked him to withdraw it, observing that I wished to say a few words on the subject. He hesitated, and, I thought, did withdraw it; and I was going on merely to declare that there was, in my opinion, no danger of a war with England now, nor for years to come—when Rhett started up and insisted that Hand had not withdrawn his call for the previous question; and Hand himself said he had not, but he would if I would renew it. I then gave very briefly my reasons, which brought up Albert Smith, who professed not to comprehend me, and appeared not to comprehend himself.

Waddy Thompson, now Chairman of the Military Committee (Cave Johnson being absent from indisposition), followed with a South Carolina flourish, and then the resolutions were adopted.

Botts came to me and said I had certainly read his letter to his constituents, recently published; which I confirmed. There was a very ceremonious personal explanation between Bond, the Whig, and Medill and Weller, destructives, all from Ohio; which was arrested by the call for the orders of the day—the Civil and Diplomatic Appropriation bill, on which the House went into committee of the whole on the state of the Union, Casey in the chair. A skirmishing debate about extravagance and retrenchment then arose, which continued till past four, when Duncan took the floor, the committee rose, and the House adjourned.

12th. Attended public worship this morning in the hall of the House of Representatives. Mr. Cookman preached from Acts v. 29: "Then Peter and the other disciples answered and said, We ought to obey God rather than men." 30: "The God of our fathers raised up Jesus, whom ye slew and hanged on a tree." 31: "Him hath God exalted with his right hand to be a Prince and a Saviour, for to give repentance to Israel, and forgiveness of sins;" 32: "And we are his witnesses of these things; and so is also the Holy Ghost, whom God hath given

to them that obey him." Waddy Thompson was there, and, immediately after the service was over, said to me that Mr. Cookman was the very worst speaker he had ever heard in his life. What wholesale judgments men of sense and honor will pronounce off-hand! Mr. Cookman had just delivered a most powerful, eloquent, argumentative discourse upon the vitality of the resurrection of Christ to the truth of the Christian religion—a discourse which had drawn streams of tears from my eyes; which had fixed a crowded auditory like so many marble statues, in silent and intense attention, five hundred pair of eyes beaming from the circumference to the centre of the hall on one focal point—the preacher's face; a discourse which, if I had been forty years younger, I would have studied the substance, form, and manner of delivery, as a model to imitate and improve; and Waddy Thompson, himself an eloquent and intelligent man, pronounces the orator the worst speaker he ever heard in his life! Mr. Cookman's manner of delivery is overcharged, much resembling the manner of the late tragedian Kean upon the stage; but I would give more than money for such a manner, to graduate and control it with a cool and deliberate judgment.

13th. At the House, the sitting began by a reception of petitions and memorials. The call began with Maine, and just reached me. I presented twenty, received since the last petition day. Three of my petitions were excluded from reception by the rule of 28th January. One, for the release of Mackenzie, was referred to the Committee on the Judiciary. A series of resolutions of the Legislature of Massachusetts, concerning the foreign slave-trade, were read, ordered to be printed, and referred to the Committee of Commerce, to which so much of the President's annual message as relates to that subject was already referred.

A series of resolves, against the ill-treatment of citizens of Massachusetts in certain other States, were read, and I moved that they should be printed and referred to a select committee. They were laid on the table, by yeas and nays—one hundred and two to forty-five. The motion to print was also laid on the table.

The series of resolutions on the violation of the Constitution

by the House of Representatives in rejecting petitions was laid on the table, by one hundred and five to fifty-four; and the motion to have it printed was also laid on the table. There was a short petition from the interior of New York, praying Congress to repeal the laws in the District of Columbia which authorize the whipping of women. I was requested, by a letter from one of the petitioners, to read this petition in the House; which I did.

Linn Banks said no good could come from such a petition, and moved to lay it on the table; which was accordingly done. I got through with the presentation of my petitions just as the morning hour expired. Randolph moved a suspension of the rules to continue the call for petitions; lost, by yeas and nays—seventy-four to eighty-three.

Committee of the whole on the state of the Union. Civil and Diplomatic Appropriation bill. Altercation debate between Wise and John W. Jones, on the comparative amount of expenditures in the years 1826 and 1838, followed by a speech of Green V. Samuels, auxiliary to Jones, against Wise. Stanly then took the floor in answer to Duncan's charges against General Harrison, of abolitionism. Then came the tug of war between Stanly and Chapman, Hopkins and Wise, which continued till past six o'clock, and in the midst of which the committee rose, and the House adjourned. There had been a skirmish between Black and Rice Garland, about a second majority and minority report from the Committee on the Public Printing—unsettled.

14th. Morning visit from Mr. Stone, the engraver, and Mr. Jäger, a German, native of Vienna, now Professor of Botany and Zoology at the College of Princeton, where Mr. Stone has a son now a student, and another preparing to enter. Mr. Jäger said he had heard of me at St. Petersburg, where he resided from 1818 to 1827—nine years. We had an easy conversation of upwards of an hour, in which the Professor expressed the opinion that too much time was devoted at our colleges and universities to the study of Greek and Latin. He spoke rather slightingly of Prince Galitzin, and of the late Emperor Alexander, as infected with bigotry from excessive

reverence for the Bible, which he said was the disposition of all the Galitzins he had ever known.

I could not but surmise that Mr. Jäger was a free-thinker of the German school, and had a negative quantity of reverence for the Bible, equal at least to the superfluity of it in the Galitzins; that this had rendered the residence of St. Petersburg inconvenient to him, and brought him to this country. This may be mere conjecture; but I have invariably found that a light estimate of the study of Greek and Latin and an irreverent estimate of the Bible are inseparable companions. I see the same current of opinions in Professor Dunglison's two articles in the Southern Messenger, upon the Smithsonian bequest. Of Dunglison, imported from Scotland by Jefferson, for his University of Virginia, this might be expected; but how this Professor Jäger should have got squeezed into the super-orthodox College at Princeton gives me pause.

I went to the House this morning before eleven, to see that the two sets of resolves of the Legislature of Massachusetts, which I presented yesterday, which were laid on the table and not ordered to be printed, should be entered in extenso upon the journal. I found they were so, by Mr. Burch, who is the real redactor of the journal.

I called at the Speaker's room, and acquiesced in his opinion that the petition of D. Raymond and W. Friend was to be laid on the table. Clifford was with him, but left the chamber as I went in. He told me Clifford had informed him that the Legislature of Maine had passed resolutions declaring that they would not submit to a new reference of the boundary question to arbitration.

In the House, the supplementary majority and minority reports on the Clerk's stationery contracts with Langtree were, after some snarling debate, received, and ordered to be printed. Committee of the whole, Casey in the chair, upon the Appropriation bill. Stanly finished his defence of General Harrison against the charge of abolitionism, in which he had deeply scored Benjamin Tappan, a Senator from Ohio. Steenrod undertook his defence—upon which Stanly doubled and trebled the scoring. Charles Ogle then took the floor—moved

to strike out an item for repairs of the President's house, and opened a battery upon the Democratic Administration, till past five, when the committee rose, and the House adjourned.

15th. I went early this morning to the Capitol, expecting that the bill for the more effectual collection of the duties on imports would be taken up, and consumed nearly two hours in collecting all the papers relating to it—two of which, however, were missing. But the morning hour was frittered away by a fractious debate between Joseph Jones, Chairman of the Committee on Public Accounts, and Charles Johnston, the minority member of that committee, upon a proposition to recommit the reports to the same committee—against which Mr. Johnston warmly remonstrates. The majority of the committee have refused to examine the nature of the contracts made by the Clerk of the House with Langtree and O'Sullivan.

At the expiration of the hour, the question of printing the reports still remained pending. John W. Jones called for the orders of the day, and the Speaker was announcing the call as a motion to go into committee of the whole on the state of the Union, upon the Civil and Diplomatic Appropriation bill, when I reminded him that there was another special order of the day, and appealed to the fairness and candor of Jones to abide by the agreement to which he had assented last week, that this day should be devoted to the bill reported from the Committee of Manufactures No. 100. Jones, however, insisted upon the preference for his Appropriation bill. I then proposed to move that the bill No. 100 should be made the special order for every day, after the passage of the Civil and Diplomatic Appropriation bill, excepting Mondays, Fridays, and Saturdays. Jones would not agree to it with the exception, but said he would if I would make the motion without the exception. I made it accordingly, without the exception; but Linn Banks opposed it for that reason. So that between the opposition of the two Virginians I lost both my motions. The questions were taken several times, by general voice, by rising, and by tellers. With great difficulty I obtained the yeas and nays upon the motion for an unlimited preference after the Civil and Diplomatic Appropriation bill. They were ninety-five to sixty-eight—a large

majority, but not two-thirds. As a last resource, I moved for a preference of one day immediately succeeding the passage of the Civil and Diplomatic bill. This was opposed by Rice Garland, as interfering with the special order upon the reports of the Committee on the Public Printing; but it was carried by a count of one hundred and ten to twenty-eight.

Then came the committee of the whole on the state of the Union, Casey in the chair, and the Civil and Diplomatic Appropriation bill. Ogle continued his speech about three hours, without concluding it. About five o'clock the committee rose, and the House adjourned.

I had some conversation with Mr. Grinnell and with Hoffman relating to our bill for suppressing the frauds on the revenue, which is very dissatisfactory to the importing merchants at New York. Grinnell mentioned to me some of their objections, and promised a statement of others to-morrow. The strongest objection to the bill is the provision that persons interested in the question at issue in the Courts shall not be competent as witnesses.

16th. Meeting of the Committee of Manufactures. Present, Adams, Tillinghast, Mitchell, Slade, Worthington, Eastman, Davis; absent, Dromgoole and Nisbet. After waiting for them until within a quarter of twelve o'clock, at the instance of Mr. Worthington, sustained by Davis and Eastman, it was agreed to hold a special meeting of the committee at ten o'clock to-morrow morning, to take the question on my resolution offered on the 26th of last month. The letter from the Secretary of the Treasury of the 9th instant to me, with the enclosure from Mr. Davis, the Consul at Kingston-upon-Hull, and the draft of an additional section for the revenue bills, were read, and it was agreed that I should offer the new section to the House. I was charged also to report the bill of last year in favor of Isaac Gage and the Apalachicola Company for the free importation of iron. After the committee had adjourned, while I was writing out the minutes of the meeting, Dromgoole came in, more than mellow, and sat chattering with me, as well as he could articulate, a full half-hour. He insisted on having his name entered as present after the adjournment; and when I

told him of the special meeting we had agreed to hold to-morrow, he said he would come, and make his point specially with me, and would beat me. "We are four and four," said he, "and Davis is the pivot-man. Hunter has made all his committees so. We have a pivot-man here next door, in the Committee of Foreign Affairs."

"Do you know how Davis will vote on your resolution?"

"No; I'll be —— if I know; but he came to me the other day and said, 'What objection is there to this resolution, if you strike out the latter clause relating to the manufactures?'"

"Then," said I, "it would leave nothing but the revenue question; and that belongs to the Committee of Ways and Means. This committee has no jurisdiction. But do you know how Davis will vote?"

"No; blast me if I do. He is the pivot-man. But I'll come to-morrow, and we'll beat you."

All this, and a half-hour of such talk, was rattled off in boosy good humor, while I answered him in monosyllables; but in the assertion of his power there was too much truth in his whisky.

In the House, Joseph Jones, Chairman of the Committee of Accounts, finished his whitewashing speech for the Clerk; but Petriken came out against him in a short speech more effective in this party-ridden House than all the wisdom of Solomon and all the stubborn integrity of Cato. Wise, whose bowels of compassion always move for a Virginian in trouble, came to the rescue of the Clerk; but the hour expired. The Speaker put Casey in the chair in committee of the whole on the Civil and Diplomatic Appropriation bill. Ogle in two hours finished his caustic and laughable speech, which Governor Lincoln began by severely censuring; but he made a much more formidable attack upon the Administration, by exposing the mismanagement and abuses of the appropriations for the public buildings.

17th. A dark-colored mulatto man, named Joseph Cartwright, a preacher of a colored Methodist church, came this morning with a subscription-book to raise four hundred and fifty dollars to purchase the freedom of his three grandchildren—two girls

and one boy, all under three or four years of age. He told me that he had been upwards of twenty years in purchasing his own freedom and that of his three sons; that after this, Henry Johnson, late a member of the House of Representatives from Louisiana, had bought his son's wife and her three children, with many other slaves, to carry them away to Louisiana; that after the purchase he had been prevailed upon to consent to leave them here for a short time in the charge of a man to whom he had ostensibly sold them, but with the consent that this Joseph Cartwright should purchase them for one thousand and twenty-five dollars. He had actually purchased and paid for the mother, and was now endeavoring to raise four hundred and fifty dollars for the three children. There were in the subscription-book certificates of two white Methodist ministers, Hamilton and Cookman, to the respectability of this man—a preacher of the gospel! What a horrible exemplification of slavery!

I attended the special meeting of the Committee of Manufactures. All the members present. After some captious debate, Dromgoole moved to strike out from the resolution offered by me on the 26th of last month the latter clause relating to the manufactures; which was carried by yeas and nays (Dromgoole denying the right of taking any question by yeas and nays or of keeping a journal); ayes, Dromgoole, Nisbet, Worthington, Eastman, Davis; nays, Adams, Slade, Tillinghast, Mitchell.

I then withdrew the remainder of my resolution; Dromgoole insisting that I had no right so to do. Davis said he had seen the Secretary of the Treasury, who had told him that he should report his plan precisely the same whether the resolution should contain the clause respecting the manufactures or not.

I found the House in session, suspending, by yeas and nays, the rules to receive a memorial from Hugh A. Garland, the Clerk, presented by Edmund Burke, of New Hampshire, praying for an investigation by a select committee of his contracts with Langtree and O'Sullivan; which, after some scrub racing, was adopted. Another whitewashing committee.

At the close of the morning hour, W. Cost Johnson offered

a resolution to fix the 13th and 14th of May for the consideration of business relating to the District of Columbia; but the House would not hear of it.

Civil and Diplomatic Appropriation bill in committee of the whole on the state of the Union, Casey in the chair. Petriken made a speech in reply to that of Ogle, and gave him a severe scoring; but Ogle was sick at his lodgings. George M. Keim, too, bristled up for "Old Banks," and threatened dire revenge when Ogle should be in his seat. Steenrod followed Petriken with a pompous and empty speech against a bank and banking. Weller then took the floor and moved the committee to rise.

18th. J. W. Jones called for the orders of the day. Civil and Diplomatic Appropriation bill, in committee of the whole on the state of the Union, Casey in the chair. Weller had the floor, and said he would discourse, not upon the appropriations, but upon the Sub-Treasury and the currency.

H. Everett raised a question of order upon this new topic of endless debate saddled upon the Appropriation bill, to show who was responsible for the delay to pass the bill.

The Chairman said that if the point of order was pressed, he must say that debate upon the Sub-Treasury was not in order in the consideration of this bill. A gang of Weller's party flocked round him to persuade him to postpone his speech till the next Appropriation bill should come up. He hesitated and wavered, and said he would shorten his speech because he was sick; but he was allowed to proceed; and, as all his speeches are a compound of half froth half venom-ochlocracy, I went up to the chamber of the Committee of Manufactures, to examine the revenue laws. After about an hour I returned to the House, and found Albert Gallatin Brown, of Mississippi, vaporing about the currency, banking, Clay, Webster, Calhoun, and Harrison, the Sub-Treasury, and Mr. Van Buren.

When he closed, Jenifer asked him if he was the same Albert Gallatin Brown who, in a stump speech in Mississippi, had said that if Mr. Van Buren and his party should abandon the Sub-Treasury he would never say a word in its favor. He admitted he was, but explained away, and said he had afterwards, in the

State Legislature, been the leader of the anti-bank, hard-money party.

Jenifer read from a paper a list of yeas and nays in the Mississippi Legislature, in March, 1839, upon a bill authorizing the banks to issue post notes, and the name of Albert G. Brown was recorded in the affirmative. He asked if that was the gentleman's name.

Brown said it was, but the record was not true; and dropped into his seat as if he had been shot through the heart.

Horace Everett took the floor; the committee rose, and the House adjourned shortly after three.

20th. I went to the Capitol this morning at ten, to finish the examination and comparison of the existing revenue collection law with the bill now in my charge. I was fully occupied till the meeting of the House, and still left my work unfinished. Mitchell came in while I was there, thinking there was a meeting of the Committee of Manufactures; but their adjournment was till Thursday. It was the alternate weekly day for the reception of resolutions, and I had a series of four ready to present, on the investment of the public funds in State stocks; but the intelligence was received this morning of the death of Hugh Lawson White, late a Senator of the United States from Tennessee, and at the very last election of President of the United States a candidate for that office. A few weeks since, by the downfall of his party under the Jackson ascendency and instructions from the Legislature which he could not obey, he resigned his seat and went home, where he has speedily died broken-hearted. He made himself one of Jackson's tools against me, for which retributive justice has brought down upon him a punishment from which I should have been too happy to see him redeemed. The Senate adjourned on account of his decease, but sent no message announcing it to the House, and Bell and Wise, after consultation, concluded to pass it over unnoticed in the House.

Cross, of Arkansas, offered a resolution that members should be allowed to give in all admissible petitions to the Clerk for reference to committees; all petitions excluded from reception by the rule of 28th January to take the course therein directed.

This was a mine sprung upon the House to crush all remnant of the right of petition. Three-fourths of the opposition fell into it by the lure of having their admissible petitions received. Turney and Thompson, of Mississippi, and two or three others of the mobocrats, were startled, and Petriken objected. But the suspension of the rules was carried by large two-thirds.

The Whigs now began to perceive their error. I offered an amendment to the resolution, giving an appeal to the House from the exclusion of any petition by the Clerk. Morgan moved a reconsideration of the suspension of the rules; but the House refused to reconsider, and Linn Banks instantly intercepted my motion to amend, by moving the previous question. I appealed to my previous motion to amend. The Speaker said I had yielded the floor to the motion to reconsider. I called on Banks in the name of fair dealing to withdraw his motion for the previous question; but he refused. I remonstrated against the dictatorial power proposed to be given by the resolution to the Clerk, and the outrageous violation of the right of petition; in vain.

Albert Smith came to Turney, who told him he would vote against the resolution. "And so," said Smith, "do Mr. Adams and Mr. Slade." There was a Babel of confusion in the House.

Lewis Williams moved to lay the resolution on the table, and called the yeas and nays. My name was called, and I answered, Ay—despairing of the question.

In the midst of this hurly-burly, Mr. Leet, a member of the House from Pennsylvania, came and invited me to go up to the ladies' gallery, at the request of the Rev. Dr. Matthew Brown, of Canonsburg, President of Jefferson College, and of his daughter, Mrs. Riddle, wife of a minister of a Presbyterian church at Pittsburg. I went accordingly. Mr. Leet introduced them to me, and I spent half an hour in pleasant conversation with them. At Mrs. Riddle's request, I wrote my name upon a card which she handed me, and she and her father said that being on a visit to the city they had been unwilling to return home without having to say that they had seen and conversed with me. While I was in the gallery, the call of yeas and nays upon Lewis Williams's motion to lay Cross's resolution on the

table was concluded. I thought the resolution was adopted, but it was laid on the table—ninety to eighty-four.

The morning hour was gone, so that I could not present my resolutions. Casey was in the chair in committee of the whole on the state of the Union upon the Civil and Diplomatic Appropriation bill, and Horace Everett was on the floor, speaking with so feeble a voice that I could not hear him. He was followed by George M. Keim, a thick-set, squat-figured, half-Dutchman, unquestionably dull, but rich, affecting neatness of person, classical learning, wit, and patronage of the fine arts, with sentimental and philosophical democracy. He was delivered with hard labor of a speech an hour long, gotten by heart, inexpressibly flat, a compound of champagne and dish-water, in retaliation upon Ogle, who had given him a passing cut and thrust in his late speech.

When he sat down, Ogle was instantly upon his legs to reply, but Casey gave the floor to Parmenter, who, in a smooth, oily, and candid manner, characteristic of himself, commenced and carried through a personal attack upon Saltonstall, by a long history of the Hartford Convention as a measure of the federal party, and assuming that the Whig party now is identical with the old federal party. It was past five when he closed, and Saltonstall was up to reply. Andrews moved that the committee should rise; for which there was a majority, but no quorum voting. Casey reported that fact to the House, which adjourned, John W. Jones imploring for a promise that the bill should be passed to-morrow. No such promise made; but to-morrow will be a long day in the House.

Waddy Thompson called me out to James Hamilton, with whom I had a cordial greeting. And I was called out to the Chevalier Friederichsthal, attached to the Austrian Legation, who gave me an index to a folio volume of statistical enquiries. He is going to Boston, and asked me for letters to President Quincy and Edward Everett; which I promised. McKay asked me some questions about Verplanck's Tariff bill in 1832–33, and said he might perhaps appeal to me in debate concerning it.

21st. I went to the Capitol this morning at ten, to complete,

if possible, my preparation for my Revenue bill, but did not half, nor one-fifth part, accomplish the work. Should the passage of the Appropriation bill be delayed a week longer, I should still not be duly prepared. I have taken it up too late.

In the House, Hiland Hall concluded his speech on the proposed resolution to abolish the Committee on the Public Expenditures. Leet commenced a speech on the other side of the question; but the morning hour expired and he had yet much to say. John W. Jones, Chairman of the Committee of Ways and Means, called the orders of the day. Casey took the chair of the committee of the whole on the state of the Union, and the Civil and Diplomatic Appropriation bill. Saltonstall took the floor in answer to the outrageous attack upon him by Parmenter yesterday. In that attack Parmenter alluded to a printed paper, dated the 18th instant, and signed by R. Garland, of Louisiana, John Bell, of Tennessee, John M. Botts, of Virginia, Thomas Corwin, of Ohio, M. H. Grinnell, of New York, John C. Clark, of New York, Leverett Saltonstall, of Massachusetts, and Truman Smith, of Connecticut, Executive Committee (I suppose of the Harrison party in the House). The paper is an official statement of public expenditures from 1824 to 1837, and unofficial extracts from the report of the Secretary of War and the last annual message of the President of the United States, warmly recommending a new militia law, constituting in effect an army of two hundred thousand men. To these statements is added a brief, but pungent, commentary.

Nothing could be more incendiary against the Van Buren Administration than this paper. Saltonstall sent it to the Clerk to be read, and it was read. Wise and Hopkins got into some altercation about it, which, Wise said, was drawn up by Botts. While the Clerk was reading the paper, I saw the face of Bynum, who was sitting near me, in its most venomous convulsive laugh. Saltonstall was just reclaiming the floor, when Bynum left his seat, crossed the Hall towards Rice Garland's seat, and grossly insulted him, directly, or in his hearing. Garland struck him a heavy blow, and they had a fisticuff bout till they

were parted. There was an electrical shock of confusion in the House. The Speaker was loudly called for, and took the chair, called the House to order, and the lamentation speeches began. Five or six of these were made by members of both parties, and Underwood moved a select committee of five members to enquire into and report upon the facts of the personal assault and violence between Rice Garland and Jesse A. Bynum, members of the House, with liberty to send for persons and papers, and to sit during the sitting of the House.

Neither of the parties to the fray addressed the House. Bynum came back to his seat with a blister on his right temple, and I heard him say that *if* he had had his knife with him—— He did not finish the sentence; but John Reed, who saw the whole scene, told me that he saw a knife in Bynum's hand. The Speaker appointed Underwood, Briggs, Banks, Clifford, and Nisbet as the committee. Banks asked to be, and was, excused. Butler, of Kentucky, was appointed in his place. Nisbet was not in the House, and Mark A. Cooper was substituted for him.

The Chairman of the committee of the whole resumed the chair, and Mr. Saltonstall in about two hours concluded his speech. Saltonstall was followed by Stuart; he, by Jameson, and a skirmishing debate till near eleven at night, when the committee rose, and the House adjourned. Saltonstall rode home with me.

22d. I rode to the Capitol, and spent two hours in the chamber of the Committee of Manufactures, still examining the documents to support my Revenue bill, and still not nearly finishing the task.

In the House, Leet finished his speech against the resolution for abolishing the Committee on the Public Expenditures. I rose, and addressed the Speaker, but precisely at the same time Morris, of Pennsylvania, rose, and moved the previous question. I asked him to withdraw the motion. He said he would if I would promise to renew it; this I declined. Morris insisted upon his motion; which was lost—fifty-nine to sixty-two; no quorum voting. The Speaker said there was certainly a quorum present; and I proceeded till the expiration of the

morning hour, when John W. Jones called the orders of the day—the committee of the whole on the Union, and the Civil and Diplomatic Appropriation bill.

Garret Davis finished his speech upon retrenchment and reduction of salaries, the Sub-Treasury, and the enormity of Executive power—the commonplaces of all oppositions. He was followed by John Reed for about an hour, and he by Hopkins, a late sickly conservative turned into a sturdy Van Burenite. Corwin followed close upon the turncoat, who writhed under his castigation. Hopkins is a weak man, who for some time fancied that he could maintain a position as a statesman independent of party. When the Committee on the Printing was chosen, he asked to be excused, and was excused, from voting, because there were but five men in the House fit to serve on such a committee—one of whom was himself, for whom he of course could not vote; one was the Speaker, who could not serve on any committee; and one, James Garland, who, for reasons of delicacy, would decline serving on that committee. This ridiculous pretension was so universally understood by the House that, when Albert Smith's name was called, he answered vivâ voce, "I vote for one of the only five honest men in the House—George W. Hopkins." Hopkins took no notice of that; but when Corwin now alluded to his notable excuse for not voting in the choice of the Committee on the Printing, he rose, and flatly denied that he had said any such thing, and gave a lame and impotent explanation of what he did say. Corwin's speech, wholly off-hand, and which, he said, was probably the last speech he should ever make in that hall, closed just before nine o'clock. Casey walked with me part of my way home.

23d. In the House, I had the floor from yesterday, on the resolution for abolishing the Committee on the Public Expenditures. I had intended to speak not more than five minutes, but actually spoke till near the expiration of the hour. When I finished, Thompson, of Mississippi, moved the previous question. Hiland Hall asked him to withdraw it, to allow him to say a few words in reply to me. Thompson declined, and the previous question was carried. Cushing called the yeas and nays

on the reported resolution; which was rejected—six to one hundred and forty-nine. The House then went into committee of the whole on the state of the Union upon the Appropriation bill; and McKay, who had taken the floor last evening, made one of his insidious, snake-like speeches, interweaving with an ostensible defence of the present Administration venomous insinuations against me and mine. McKay is a political Mrs. Candour, smooth as oil in outward form, and fetid as a polecat in inward savor. He damned with faint praise my report of the minority of the Committee on Manufactures in February, 1833. I made no answer; but Evans, of Maine, gave him an instantaneous and most effectual threshing, which left his argument not a whole bone. Then came Atherton, of New Hampshire, the man of the mongrel gag. He had a speech of shreds and patches—scraps of old newspapers, extracts from my messages, from Jefferson's writings, from English reviews, from Blackwood's Magazine, from anonymous pamphlets and electioneering hand-bills, with school-boy dissertations about the origin of the two great parties and the contrast of their principles, the Democrats' and the Federalists' responsibility to the people, the eloquence of Tully in support of the Roman *democracy*, the age of progress, of improvement, of the rights of man, and the unutterable scorn and indignation of his constituents at my recommendation of a university, of appropriations for internal improvements, for clearing harbors, removing obstructions from rivers, and "light-houses in the skies." About seven o'clock he suspended his speech.

24th. In the House, the morning hour was occupied in calling the committees for reports. But when the Speaker reached the Committee of Private Land Claims, immediately preceding the Committee of Manufactures, the orders of the day, the committee of the whole on the Union, Casey, Chairman, and the Appropriation bill, came up. Atherton finished his speech of extracts and paragraphs about the people, democracy, oligarchy, and federalism. He was followed by Samson Mason, more pungent than pithy, about Harrison's vote for selling white men to slavery. Clifford, of Maine, gave a history of parties, Federal and Democratic—the Hartford

Convention—my controversy with the Boston federalists—my letter to Dutee J. Pierce—and my communications to Mr. Jefferson in 1808. The House continued in session, foreclosing all attempts to adjourn, till within a quarter of an hour of midnight, when the committee rose, for want of a quorum, and adjourned, by a vote of yeas and nays—fifty-three to fifty-three; no quorum, and the Speaker voting with the ayes. First rumors of the Virginia elections.

25th. The daily repetition of these long sittings in the House not only robs me of nightly repose at home, but produces a nervous agitation and musing, which wastes itself in tumultuary thought, and projects of speaking to the House of myself, which I have hitherto constantly suppressed. I spent an hour and a half this morning in the committee-room, nearly completing my preparations to support the Revenue bill, with which I am charged. But if I had a week longer for preparation, I should still not be ready.

In the House, after the adoption of a resolution authorizing the Clerk to purchase a chandelier, the Speaker continued the call of the committees for reports. I reported from the Committee of Manufactures the reference of several petitions and memorials for the suppression of frauds on the revenue, and for duties upon silks and umbrellas, to the committee of the whole on the state of the Union, who have before them the two bills concerning the revenue and duties on silks, reported by the committee, and of several other petitions, for the disuse of ardent spirits in the army and navy, and the levying of a duty on their importation, to the Military and Naval Committees, and the Committee of Ways and Means. I reported the bill of the last session, to authorize the importation of iron for ship-building by Isaac Gage and the Apalachicola Commercial Company, and asked the discharge of the committee from the further consideration of memorials praying for the imposition of duties on starch and on cigars. I moved also that several amendments which I propose to offer to the Revenue bill should be printed for the use of the members; which was ordered. I believe the committees were all called before the orders of the day—the committee of the whole on the state of

the Union, Casey, Chairman, and the General Appropriation bill. Dillett, of Alabama, took the floor, and spoke nearly three hours—I know not upon what. The members dropped off one by one, till there were less than a hundred left in the House. I went myself to the chamber of the Committee of Manufactures for half an hour, and compared together the expenditures for the military establishment in 1834 and 1838. When I returned, they were in the midst of a call of the House to get a quorum. Mr. Dillett had not finished his speech, but had made a pause for Underwood to present an unanimous report of the select committee of five on the fray between Bynum and Rice Garland. The call was finally superseded without making a quorum, and by general consent (Underwood) read his report—which was a mere dry statement of facts collected from the testimony of twenty-two witnesses. They use no expression of censure upon either of the parties, and propose no measure to the House. A motion was made that the report and testimony should be printed; but whether it passed or not, non mi ricordo. An adjournment was moved, and carried by yeas and nays—fifty-six to forty-one. The House was on fire with the Virginia elections. The Whigs claim the victory.

26th. I attended public worship this morning. Mr. Cookman preached from Psalm lxxii. 16: "There shall be an handful of corn in the earth upon the top of the mountains; the fruit thereof shall shake like Lebanon: and they of the city shall flourish like grass of the earth." 17: "His name shall endure forever: his name shall be continued as long as the sun: and men shall be blessed in him: all nations shall call him blessed." 18: "Blessed be the Lord God, the God of Israel, who only doeth wondrous things." 19: "And blessed be his glorious name forever: and let the whole earth be filled with his glory; Amen, and Amen." 20: "The prayers of David the son of Jesse are ended." And it was a good ending, said Mr. Cookman. He analyzed and commented with great ingenuity and fervor upon every part of this text, as prophetic of the Messiah's kingdom—of that blessed time when war shall be banished from the earth. The theme is to me delightful. These promises of the Scriptures, these transcendently sublime prophecies of

the old covenant, and these practicable means and irresistible tendencies to their fulfilment in the new, are the most precious pledges of my faith. If I did not believe them I should be compelled to reject the whole book. I do most faithfully believe them. Peace—perpetual peace! What an inexpressible blessing to the race of man! Not that I deem it necessary to believe that the nature of carnivorous beasts shall be changed—these I suppose to be figures of speech; but that the murderous and treacherous passions in the heart of man shall be so far eradicated or restrained that there shall be no more public or private war. With the practice of war slavery must of course be extinguished. Mr. Cookman was sufficiently enthusiastic in this belief to gratify me and my faith and hope in the future advent of the kingdom of the Messiah, to pass among my friends for insane. That Christianity has already made immense progress in checking and controlling the anti-social passions of man is undeniable. A religious principle that man has no right to take the life of man will soon accomplish the abolition of all capital punishments, and the principles of liberty are daily rendering the life of man more and more precious. Mr. Cookman quoted Maundrell for the size of the enormous cedar of Lebanon, and spoke of what kings would do in the millennium, if there should be kings at that time—which was very doubtful. The hall was more crowded than I had seen it for many years.

27th. I had called, before going to the Capitol, at the office of the National Intelligencer, and given to Mr. Gales, Stansbury's part of the report of my remarks last week upon the proposed resolution to abolish the Committee on Public Expenditures.

This was a petition day; but no petitions were presented. Campbell, of South Carolina, moved to reconsider the vote of Saturday that the report and testimony upon the fray between Bynum and Rice Garland should be printed. After some discussion, the motion to reconsider was rejected, by yeas and nays —twenty to one hundred and forty-three. Garland made a very handsome apology to the House for the violence of language and action used by him in the conflict with Bynum, who now stood mute.* The consideration of the report was postponed

till to-morrow. The morning hour was gone. Committee of the whole on the state of the Union, Casey in the chair, and the Civil and Diplomatic Appropriation bill. Dillett took three more hours to finish his speech—a regular oration in sections, chiefly upon the Sub-Treasury, with episodes upon banks and banking, the currency, the tariff, and abolition. Waddy Thompson told me that, in Alabama, Dillett is esteemed a prodigy of eloquence. And his oration of Saturday and this day was very eloquent.

Stanly then followed, and Bell, and Dromgoole, who gave notice that he would henceforth insist upon the strict enforcement of the rule of relevancy in debate. Proffit hoped the committee would proceed with the bill, and between nine and ten o'clock this evening he would begin a most eloquent speech of an hour and a half. I said I too was laboring with a speech, but, as it would take time, I would not make it upon this bill, the passage of which I had determined, from the day of its introduction into the committee, not to delay so much as one-quarter of an hour. I was loudly called to go on, but said, no, I would make it upon some other bill.

A desultory debate followed, upon sundry motions to strike out various items of the bill, till near nine o'clock, when Proffit made his speech of an hour and a half. After him, Goode, of Ohio, and Ogle successively attempted to make speeches, but were called to order for irrelevancy, pronounced out of order by the Chairman, from whose decisions there were appeals, and no quorum to decide them. The committee then rose, and reported to the House no quorum. Motion to adjourn. Yeas and nays. A bare quorum answer, and refuse to adjourn. The quorum go into committee again, and in five minutes another question of order is started, upon which no quorum is found to vote, and the same tedious round is again gone through. There were three calls of the House ordered and superseded; and at last an order to the Sergeant-at-Arms to go for the absentees and bring them in custody to the House.

28th. "Nuit blanche." Immediately after this order, Graves moved a reconsideration of it, which was some time debated, and refused. It was then half-past three of Tuesday morning.

Linn Banks urged them to adjourn, and told them it would be six o'clock before they could bring in absent members enough to make a quorum. I told him he might safely say it would be seven. While the order was being executed, I myself left the hall, came home, went to bed precisely as the clock struck four, rose again at seven o'clock, breakfasted, and returned to the House about half-past eight. Part of the absentees had been brought up, and were successively called by the Speaker to account for their absence. They had passed an order that the members who, after answering to their names at the first call, should leave the hall, should be included among the absentees to be taken into custody. Several of that number were so brought in, called to answer, and ordered to be discharged with, or without, payment of fees. I was myself one of that number, but the order for taking them into custody had been rescinded after having been executed upon Albert Smith before I returned, so that my name was not entered as an absentee, nor was I called to account for my absence. But sixty-three members were so called to account; twenty-eight were Administration men, and thirty-five were Whigs. There was at least an equal number of absentees, sixty-three, who were not brought in, many absent from the city, and several who could not be found. At a quarter-before one in the morning, Duncan moved the call of the House; at a quarter-before twelve at noon, Banks moved to suspend further proceedings in the call, and the House went into committee of the whole again on the appeal from the Chairman, Casey's, decision, that Ogle was out of order. The call had taken exactly eleven hours of time, during which all other action of the House was suspended.

The debate upon the bill was then resumed, without allowance for the morning hour, and was continued upon the items of appropriation till near seven o'clock in the evening, during which snarling party scuffles of an hour or two for each question were held upon the restoration of three thousand dollars for the salary of the Commissioner of Pensions, to reduce the salaries of all the Executive officers from the heads of Departments downwards, and especially to abolish or reduce the three

lately-created branch mint establishments at Charlotte, North Carolina, at Dahlonega, Georgia, and at New Orleans—which are perfectly useless, and very expensive. It was curious to see the members of both parties from North Carolina and Georgia, all except Stanly, bristle up against any diminution of the mint expenses in those States. About seven o'clock, at the motion of Petriken, the committee rose, and the House adjourned.

29th. The report upon the fracas between Bynum and Garland was postponed till Friday, and the Civil and Diplomatic Appropriation bill was again taken up in committee of the whole on the state of the Union, Casey in the chair. The discussion upon the expediency of abolishing the branch mints at Charlotte, Dahlonega, and New Orleans was resumed, and debated for several hours. Stanly produced a bill of between two and three hundred dollars for flowers and plants and trees for the mint establishment at Charlotte—which caused great discomfiture in the ranks of the Administration Democracy.

There was then some collision between Jones, of the Ways and Means, and Chapman, the delegate from Iowa, upon items of appropriation for the expenditures upon the Government of that Territory. When the item of the salary for the Attorney-General came up, Stanly read extracts from the report of the Swartwout Investigation Committee, charging Gilpin, then Solicitor of the Treasury, with gross negligence in suffering Swartwout's defalcations to run on for years undetected. Ramsey said he had no confidence in the report of that committee. Stanly read the concurrence of the turncoat, Hopkins, in that report, and especially in the censure passed upon Gilpin. Hopkins stood mute. As night came on, the usual failure of a quorum, calls of the House, questions of order, and abortive motions to adjourn ensued. Mason, of Ohio, moved that upon calls of the House in future the name of each member should be called only once; which was agreed to. The practice hitherto has been to call a second time the name of every member not answering when named. Cushing moved an amendment tending to procure the release of Mackenzie from prison; upon which questions of order were started and discussed till near

eleven at night, when the committee rose, the House adjourned, and I reached home before midnight.

May 1st. The Chevalier Friederichsthal, attached to the Austrian Legation, is going on an excursion, in the course of which he intends to visit Boston. I had yesterday written letters of introduction for him to President Quincy and to Edward Everett, which I had promised him, and also one to my son; which I gave him this morning. In an hour's conversation with me he told me that he had last summer visited and traversed the islands of St. Domingo, Jamaica, and Cuba, with the purpose of observing attentively the relative condition of the population in the three different states, of long-continued freedom, of slavery, and of recent emancipation. It was apparent that the result of these observations was very unfavorable to African freedom, for his great admiration was concentrated on the flourishing condition of Cuba, his anticipations quite unpromising to Jamaica, and his severest animadversions reserved for St. Domingo. He promised to send me his comparative statistical tables for the three islands; which he did this evening. They fully confirmed my expectations.

His visit detained me, so that I found the Clerk reading the journal of yesterday when I entered the House. Briggs moved to go *instanter* into committee of the whole on the state of the Union upon the Appropriation bill; which was done, after postponing, at the motion of John W. Jones, the report of the select committee upon the brawl between Bynum and Rice Garland till next Monday.

Casey took the chair of the committee. Stanly had the floor upon the amendment which he proposed to offer to the appropriations for the public buildings after the rejection of the amendments proposed by Petriken, which he considered as certain. I could stand this no longer. I rose, and asked if Jones, Chairman of the Ways and Means, seriously intended to persist in opposing Petriken's amendment, to stop the work on the public buildings, and to leave the workmen partly unpaid for the wages they had already earned.

Jones, with some faltering at first, avowed that he did, but afterwards worked round to a consent that the appropriation

should be increased to sixty thousand dollars on the Treasury building, to pay the workmen their wages already earned.

I gave him a volley for resisting any part of Petriken's amendment.

He attempted to divert the attention of the committee to my overheated manner, talked of the shinplasters of my favorite institutions, and said he supposed I wanted an entering wedge to increase the appropriation for the Custom-House at Boston.

I replied to him with an abated vehemence of manner. Governor Lincoln, Waddy Thompson, and Hunt aided me with argument. Stanly consented to withdraw his amendment if Jones would accept the two amendments of Petriken—which Jones, however, refused; but upon taking the question by tellers there was a large majority for Petriken's amendments.

In the course of the evening Ogle made his second speech on the furnishing of the President's house, and replied with extreme severity to some animadversions of Governor Lincoln upon his former speech. Lincoln now made an instantaneous, highly spirited and triumphant defence of himself, and turned the tables and the laugh upon Ogle, to universal admiration. But it was a very unprofitable controversy to the Whigs.

3d. I know not how to describe the effect upon my body and mind of such a week as I have just passed—laboring day and night in legislative deliberation upon a measure the final consummation of which was scarcely susceptible of divided opinion. War against an Administration upon the petty details of an Appropriation bill suits neither my taste nor my principles. I was ready to pass it as it went into committee of the whole on the state of the Union. Its worst feature was a pitiful attempt to filch about a hundred thousand dollars from the sums indispensable for the completion of the public buildings, by defrauding the poor workmen upon them at daily wages, of their dues. This attempt I contributed to defeat, and the appropriations in the bill are sufficient to pay up all the arrearages and to continue the works. They had actually suspended them, and left the workmen without employment. Several of them yesterday morning accosted me as I was walking to the Capitol, entreating me to use my influence with Mr.

Noland to set them to work again. I spoke to Petriken, who told me that both he and Governor Lincoln had advised Noland to set the men to work. I sent for Noland himself, and entreated him to do so. He said he was willing, but Mr. Keim, an Administration member of the Committee on the Public Buildings, had told him it was doubtful whether the appropriation would pass. I asked him to set the men to work on my responsibility, and he said he would.

I had this morning another visit from the Chevalier Friederichsthal, and an hour of conversation with him. He said he had been mistaken in telling me that the black and colored population of the island of St. Domingo had diminished within the last forty years, but that it had not much increased, and that all its other sources of prosperity were constantly declining. He thinks that the natural abode of the African race is within eight degrees north and south of the equator, and that the negro is physically, morally, and mentally inferior to the European and the Caucasian man. He departs upon his tour next Wednesday.

6th. The members of the Baltimore Whig Convention of young men are flocking to this city by hundreds. The Convention itself consisted of thousands; an immense unwieldy mass of political machinery to accomplish nothing—to form a procession polluted by a foul and unpunished murder of one of their own marshals, and by the loss of several other lives. I am assured that the number of delegates in attendance from the single State of Massachusetts was not less than twelve hundred. And in the midst of this throng, Henry Clay, Daniel Webster, William C. Preston, Senators of the United States, and four times the number of members of the House of Representatives, have been two days straining their lungs and cracking their voices, to fill this multitude with windy sound, for the glorification of William Henry Harrison and the vituperation of Martin Van Buren.

7th. I attended this morning at the chamber of the Committee of Manufactures, but no other member of the committee was there. Mr. Southard brought there, and introduced to me, several members from New Jersey of the Baltimore Whig

Convention of young men. The city is flooded with them; and I was told that not less than six hundred of them came on in the cars yesterday morning.

This was the day fixed for the consideration by the House of the Revenue Collection bill No. 100, reported by the Committee of Manufactures. John W. Jones, Chairman of the Committee of Ways and Means, is gone home to Virginia. The acting Chairman, Atherton, came and asked me to allow the amendments of the Senate to the General Appropriation bill to be taken up; to which I consented. Cave Johnson, Chairman of the Committee of Military Affairs, asked to be, and was, excused, on account of ill health. The House then went into committee of the whole on the state of the Union upon the bill No. 100, John Bell, of Tennessee, in the chair. The bill was read through, and the Chairman directed that it should then be read by sections. I sent to the Clerk's table one of the fifty memorials from the manufacturers upon which the bill was founded, and, after it was read, the Clerk was proceeding to read the first section of the bill—when Rhett, of South Carolina, started up and moved to recommit the bill. The Chairman asked him if he proposed any amendment to the first section. He said his objection was to the whole bill. He was told that his motion to recommit was not in order; and he moved to strike out the enacting clause, and then made a speech of half or three-quarters of an hour against various provisions of the bill. The amendments of the Senate to the Appropriation bill having then come in, Atherton, with my consent, moved that the committee should rise—which they did. The House then took up the amendments of the Senate to the General Appropriation bill, one of which was to strike out the item of forty-five thousand dollars for the second and third volumes of Clarke and Force's Documentary History of the United States, in which amendment the House, after some debate, concurred by yeas and nays—seventy-three to forty-eight; a close party vote. The House then, at my motion, made the bill No. 100 the special order of the day for to-morrow, and adjourned about five o'clock.

8th. Mr. Trist, Consul of the United States at the Havanna,

was here this morning, and I had a long conversation with him upon the charges against his official conduct, which are now under consideration by the Committee of Commerce of the House of Representatives. The charges are of two kinds: first, by several masters of vessels, complaining of abusive official ill treatment of them; and, secondly, of his gross and culpable connivance at the African slave-trade carried on from the United States, chiefly from Baltimore, through the Havanna. I had received two letters from him, urging me to bring the matter forward in the House of Representatives; and assigned now to him my reasons for declining to do this—the chief of which was, that under his solemn protestations of innocence, and his undoubting confidence of proving it, I was not willing to place myself before the House and the country in the attitude of his accuser.

He said it was his perfect confidence in the success of his defence that had made him desire that the investigation should be undertaken by me. He has just now returned from Baltimore, where he has been as a witness upon two trials for slave-trade cases, in both of which the defendants were acquitted—both, he says, undoubtedly guilty. I suppose it as impossible to commit a slave-trader at Baltimore as in the island of Cuba; and I fear Mr. Trist's defence rests on the same basis as that of the late defendants at Baltimore—the inexecutability of the law. He told me that no man's life would be safe who should attempt to execute the law at the Havanna.

Immediately on the meeting of the House, they went, at my motion, into committee of the whole on the state of the Union, Bell, of Tennessee, in the chair, upon my Revenue bill No. 100. The day was spent in debating it. Rhett followed up his assault of yesterday with more pertinacity than success. After some discussion, he withdrew his motion to strike out the enacting clause, and moved that the committee rise, and report the bill, with the view to move the recommitment of the bill to the Committee of Manufactures. Upon this motion he made a second speech of half an hour, opposed by Tillinghast, Sergeant, and myself, and the motion was rejected by a majority of more than three to one. The bill was then taken up by

sections, as it should have been at first. Rhett moved to strike out the sixth section, but, after full discussion, this motion was also rejected. The debate was continued to the eighth section, sundry amendments proposed by Tillinghast and Everett being adopted as they proceeded. Curtis moved to strike out part of the eighth section, whereupon the debate was protracted till past five, when, at Habersham's motion, the committee rose without a quorum. I moved that the bill should be made the special order of the day again for to-morrow; but there was no quorum to vote. The races had taken off upwards of one hundred members, and I had been obliged to move a call of the House to get a quorum vote upon one of the incidental questions raised by Mr. Rhett.

9th. I finished last night, almost sleepless, and this morning, my verses on the Wants of Man. I suppose it is my intense anxiety for the bill now under my charge which bereaves me of sleep; and the composition of verses, trifling upon another (topic), is the only mode of relieving myself from the continual pressure upon the brain of thought upon one subject through a sleepless night.

In the House, immediately after the reading of the journal, they went, at my motion, into committee of the whole on the state of the Union upon the Revenue bill No 100, Bell, of Tennessee, in the chair. The question pending at the adjournment yesterday was upon Curtis's motion to strike out a clause in the eighth section, relieving the United States from the payment of costs on the appointment of a Commissioner on their part to attend at the taking of a deposition abroad, at the instance of the defendant, in a suit instituted by the United States for a forfeiture or a fraudulent entry. The motion to strike out was rejected in the committee. But the section the most hotly contested as yet, and perhaps of the whole bill, was the ninth; which I had already proposed to amend, very considerably restricting it, compared with the section proposed by the Collector and District Attorney at New York. The section disables the testimony of persons having the same interest with the party to the suit, though not interested in the event of the suit itself. Rhett was ferocious for striking out first the amended

and then the original section; but the question to strike out the original and insert the amended section was carried by a considerable majority, and then the motion to strike out the amended section was debated for the remainder of the day. The three members from the city of New York, James Monroe, Curtis, and Hoffman, D. D. Barnard, Governor Lincoln, Sergeant, and Underwood, came out in legion strength against it, and Tillinghast, a member of the Committee of Manufactures, gave it up and turned against it. Briggs and Vanderpoel sustained me with good service. McKay, of North Carolina, promised me that he would, but did not. The question upon striking out was taken by tellers—forty-eight to sixty-six; no quorum. I had already been obliged to move a call of the House to obtain a quorum on a preceding question. It was now near six o'clock. The committee rose, and the House adjourned.

10th. Mr. Stansbury gave me last evening seventy pages of his report of the debate of the preceding day, with a request that I would revise my part of it, to have it in readiness for the printer this morning—forty-eight pages. This was impossible. Mr. Gales came this morning to inquire if the manuscript was ready. It would have been, but for the extracts from books, and vouchers, which I read, and my comment upon which constituted nine-tenths of my speech. There can be no adequate conception without them; and some of the very books from which I read the extracts are locked up in the law library at the Capitol. Mr. Gales said it would of course be impossible to print that part of the debate in the Intelligencer to-morrow.

I told him I had not yet received for revisal Wheeler's part of my speech on the resolution for abolishing the Committee on the Public Expenditures.

He said that must be preceded by Ogle's speech on the General Appropriation bill. I observed that he had not yet published my report on the Smithsonian bequest. He said the difficulty was that it would occupy from twelve to fourteen columns of the paper; but it should be published as soon as possible.

I spoke after the sermon with Dr. Sewall, who introduced

Mr. Newton to me, and with Mr. William L. Storrs, a member of the House from Connecticut, who had yesterday given me a letter to read from R. S. Baldwin, the leading counsel of the Africans of the Amistad. I cannot suppress, and yet must control. There is a scandalous mistranslation of one of the Spanish papers in the document No. 185, noticed by Mr. Baldwin, and concerning which I received this day a letter from Lewis Tappan, of New York.

11th. This was regularly the bi-weekly petition day. But on my enquiring of the Speaker he said there was a special order for the report on the printing; whereupon I moved the House to go into committee of the whole on the state of the Union upon the Revenue bill No. 100. There were at least twenty members up with resolutions and petitions which they wished to present; but my motion prevailed, and the Speaker gave the chair to Mr. Bell. The question was taken by tellers upon Rhett's motion to strike out the ninth section of the bill as amended, and the motion was rejected—sixty-two to eighty-three.

In the tenth section, Rhett moved to strike out the disqualification for holding an office, annexed as a penalty for any Custom-House officer aiding and abetting any fraud on the revenue. He denied the right of Congress to add to the disqualifications declared by the Constitution. Others concurred with him; but, after a stubborn debate, the motion was rejected —forty-eight to eighty-two.

Cushing moved an additional section, making it penal for any subordinate Custom-House officer to receive presents for the performance of his duty; which, after some discussion, was adopted with my consent. The remaining sections of the bill and amendments were then successively read through, without much opposition, till past six o'clock, when I moved the committee to rise and report the bill and amendments.

Holmes, of Charleston, South Carolina, then rose, and said that, exhausted as the committee and he himself then were, he should not then make a speech, but he would not object to the bill being reported to the House, with the understanding that the previous question should not be started to deprive him of

the opportunity of showing that this was the most pernicious bill, and the most subversive of the rights of the people, that was ever presented to the consideration of the American Congress.

I said I hoped no person would move the previous question till the gentleman should have had full range to his heart's content to expose before the House and the world all the horrors of the bill; upon which there was a shout of laughter, and the bill was reported to the House and ordered to be printed. The House then adjourned.

12th. The bill to insure the more faithful execution of the laws relating to the collection of duties on imports, as reported yesterday with amendments from the committee of the whole on the state of the Union, was now taken up by general consent. Evans, from the Committee of Ways and Means, offered an amendment that the mark "banco" should be valued at the Custom-House at thirty-five and a half cents; to which I objected as a tack. The amendments reported by the committee of the whole were all adopted by one vote, excepting the ninth section. Holmes made a speech of nearly two hours against the whole bill; immediately after which the previous question was moved and seconded. The Speaker said the main question was upon the engrossment of the bill; but, at my request, a separate vote was taken, by yeas and nays, upon the motion to strike out the ninth section; which motion failed—seventy-two to eighty-five. The vote for the engrossment of the bill was one hundred and twenty-two to thirty, and it was immediately read the third time by its title, and passed without a division. The House immediately, about half-past two, adjourned for the members to go and examine an invention to prevent the explosion of steamboat-boilers. I went into the Senate-chamber, mentioned the passage of my bill to Mr. Webster, and requested his particular attention to it; which he promised.

No gratitude can equal my obligation for the reward of all the preparatory labor and study that I have given for the discussion of this bill; nor could there be a more impressive admonition to me faithfully to persist in the same practice.

14th. The special order of this day was the report of the

select committee on the fray between Bynum and Rice Garland, and it consumed the day. The committee had reported only the facts and testimony. But Underwood, the Chairman, a worthy, amiable man, full of speculative fancies, of fluent tongue, a little self-conceit, or, as the French say, abounding in his own sense, and a weak judgment, offered a string of crude, undigested resolutions for defining the privileges of the House and its members, and a code for the punishment of contempts.

Holmes, of Charleston, South Carolina, with a superfluity of energy more than enough to make up for Underwood's want of it, moved that Rice Garland and Jesse A. Bynum should both be expelled for fighting on the floor of the House.

Briggs moved a resolution declaring that Bynum and Garland had violated the privileges of the House; and on this motion the previous question was ordered.

I had purposely remained silent till then; but I could stand it no longer. I said I could not vote them guilty of a breach of privilege without first hearing them; whereupon the previous question was reconsidered, a new debate was started, and, finally, the report of the select committee was recommitted, with instructions to the committee to report to the House what to do, both in the present case and to avoid such disorders in future. Three or four motions were made to lay the whole subject on the table; for all which I voted; and to that complexion it must come at last. The Duelling bill is the best preservative from fatal disorders that has yet been devised; and as to petty fisticuffs, they will occasionally occur, and only disgrace one or both parties to them.

16th. I found the House taking the yeas and nays on a motion to suspend the rules for a resolution from and after next Monday to take a daily recess from half-past two to four P.M. The rules were suspended, and the resolution adopted by the previous question, and acclamation, drowning an amendment proposed by D. D. Barnard, that the House for the remainder of the session should meet at ten A.M. and adjourn at four P.M., holding but one session each day. There was a letter read from Blair and Rives, stating that for certain parts of the public

printing not specified in the resolution adopted yesterday they should continue to charge as they have done heretofore.

Briggs moved to reconsider the resolution adopted yesterday, with a view to propose a reduction of twenty per cent. on the present prices; rejected—eighty-four to ninety-eight.

The bill for amending the New York Fire bill was lost at the third reading—eighty to ninety-six—by the careless neglect of Curtis, Chairman of the Committee of Commerce, who reported it, in not being ready to meet captious objections. Proffit voted against the bill, giving notice that he should move a reconsideration. Griffin, a stolid South Carolinian, took the start of Proffit, and instantly after the rejection of the bill moved a reconsideration and the previous question. The reconsideration was thus rejected—seventy-eight to ninety-six. And all this sharping passes without rebuke and without shame. The same fate attended the bill reported by Mr. Lawrence from the Committee of Ways and Means, insidiously assailed by Rhett, of that committee, in aid of Petriken, and not another member of the committee, acquainted with the merits of the case, to defend. The Speaker called upon the committees for reports; and, having none to make, I went to the chamber of the Committee of Manufactures, and finished the arrangement of the papers concerning the Revenue bill, for the Senate's Committee of Finance, which I took to the Clerk's office and directed them to be sent to Mr. Webster.

18th. Mr. Silas Wright, Chairman of the Committee of Finance, took me into the committee room, where I had a long conversation with him on the Revenue bill. He had received the papers which I had prepared, but had scarcely looked into them. I explained to him the purport of them, and he promised to give them a thorough examination. He intimated that the fate of the bill would depend upon the vote of Mr. Webster, and that he was not friendly to the bill.

From half-past two till four the House took a recess, during which and most of the afternoon sitting I was in the committee-room of the Committee of Manufactures, arranging the extracts to be printed with my speech. Between six and seven, returning to the hall, I found the House had adjourned, and,

walking over the floor, was tripped up by the new-laid matting, pitched forward, prostrated, and dislocated my right shoulder. Several of the members who remained in the House came immediately to my assistance, and attempted to set the bone, without success. I was taken to Mr. Monroe's lodgings, where, in about half an hour, the bone was set by Drs. Thomas and May, Jr.

19th. I had rather an uneasy night, and my right arm all this day in a sling. I write against the kindest remonstrances of my family, and attended the morning sitting of the House against those of both my doctors. I rode to the Capitol, and stopped on my way at the office of the National Intelligencer and enquired of Mr. Gales, who came out to the carriage, for Wheeler's notes of my speech of Saturday, the 9th instant, on the Revenue bill.

He said he would procure them as soon as possible, and that he should begin the publication of the Smithsonian report tomorrow. I found Mr. Cushing speaking in the House upon the bill for carrying into execution the Convention with Mexico, which he had brought up by obtaining a suspension of the rules. The bill was discussed in committee of the whole on the state of the Union, James Garland in the chair. The only amendment of the bill in committee was the reduction of a Commissioner's salary from three thousand five hundred to three thousand dollars a year. The bill was thus reported to the House, passed for engrossment, and passed. I intended to have spoken upon this bill; but my accident of yesterday disabled me, and it is better for me that it is so. Tillinghast moved a suspension of the rules for a verbose resolution, with a preamble, to take up the General Appropriation bills successively, excluding the Sub-Treasury. Petriken said he should move an amendment to include another bill. Cost Johnson moved to lay Tillinghast's motion on the table, and he withdrew it. Atherton moved to suspend the rules to go into committee of the whole on the Union, to go through the first bill they should take up; yeas and nays—one hundred and sixteen to eighty-six; not two-thirds—and the strength of the Sub-Treasury bill.

At last came the proper order of the day—Bell's bill for securing the freedom of elections. Gentry, of Tennessee, began a speech which he has had in keeping about six weeks. I went to the door of the Senate-chamber, where I met Asbury Dickins, their Secretary. At my request, he called out Mr. Silas Wright, with whom I had a further conversation in his committee-room. I gave him two additional letters from the Secretary of the Treasury, which were among the papers connected with the Revenue bill, and I borrowed the unsigned paper from Mr. Strobel, the Consul at Bordeaux, which had been furnished me by Mr. Burch. I borrowed also a clerk to copy this paper for me, and also an extract from Evans's Appendix to his translation of Pothier—which completes the preparation for the publication of my speech of Friday, the 8th instant, on the Revenue bill. My appearance in the House this morning had occasioned some surprise.

20th. I had a night of quiet repose, but the soreness and pain in my shoulder were more troublesome this day than yesterday. This was a day of constant rain, and, although convinced that I should have suffered less by attending at the House upon my duty than by staying at home, I yielded to the entreaties of my wife and confined myself at home. Dr. Thomas called this morning. I had time to ruminate upon my accident, and could scarcely refrain from repining at the peculiar untowardness of the disability, just at this moment, of my right arm. One of the first questions asked me by Dr. May was, whether my shoulder had ever been dislocated before. I had no recollection of any such event, but remembered having been told by my mother that, when a child two or three years old, I was straying out into the street, when the nursery-maid ran out after me, and, seizing me by the right hand, gave it an involuntary sudden jerk, and dislocated the shoulder. My right hand has, consequently, I suppose, upon this early disability, been weaker than the left all my days—always unable to write fast, and for the last twenty-five years unable to write at all, as other men do, with the forefinger and thumb. My right hand has been many times further disabled by casualties of various and different kinds; against all which I have

struggled to the utmost of my ability, considering it as the business and duty of my life to write, and receiving as admonitions and chastisements of Providence these occasional disabilities.

22d. Mr. Alexander Vattemare paid me a morning visit, and showed me printed copies of his two memorials to the Legislative Chambers of France; told of the compliments he had received from the Emperor of Russia and the Prince Royal of Prussia, and other great men; bedaubed me with flattery till I sickened, and gave me to read a letter from John C. Spencer at Albany, as fulsome as his own conversation. John C. paid him in his own coin. He has a collection of curiosities on their way to Washington, which I am to see when they arrive. His time is precious. He has devoted his time and fortune to this great undertaking of effecting mutual exchanges of duplicate books and other rarities throughout the civilized world, and is very anxious to obtain a speedy decision upon his memorial to Congress.

Mr. Trist called likewise upon me, and left with me certain dispatches from him, as Consul at the Havanna, to the Secretary of State, in justification of his official conduct, now under investigation by the Committee of Commerce.

I attended the morning session of the House. Atherton moved a suspension of the rules to set aside the private business and fasten upon the Sub-Treasury bill till it shall be gone through; lost by yeas and nays—eighty-six to eighty-eight—after an ineffectual motion for a call of the House.

The House went into committee of the whole upon private bills, Briggs in the chair. Petriken, who has established himself as a sort of opponent general to all private claims, had, in one of his speeches last evening, been called to order by the Chairman for reproachful reflections upon the House. The decision of the Speaker was now reversed, and Mr. Petriken proceeded without further interruption. He made and withdrew objections to sundry bills; but a considerable number went through, and were reported with and without amendments, and others were laid over under the twenty-sixth rule, confining the first and fourth Friday of each month to the

consideration of private bills against which there is no objection.

23d. I called at the Intelligencer office, and asked of Mr. Gales half a dozen copies of this day's paper, containing my speech on the 8th instant, and of the country paper of last Tuesday, containing my last report on the Smithsonian bequest. Gales said he had already received comments on the latter. I asked him from whom. He said he could not tell me till I had seen them. I also met there Mr. Samuel Lawrence, who said he would publish, he believed, at Boston, a pamphlet edition of my speech in this morning's Intelligencer. I advised him to wait till the next day's debate, the 9th, should appear in the Intelligencer, so that the pamphlet may contain the whole debate.

At the House, the Speaker proposed to dispense with the business of the morning hour, to dispose of the business on his table. I asked him what the business of the morning hour was. He gave me an evasive answer, and I did not press the enquiry; but Underwood asked to be excused from further service on the committee upon the fight between Bynum and Rice Garland; but he alleged no satisfactory reason for his request, which the House refused to grant.

Garret Davis asked a suspension of the rules for a string of resolutions against gag-bills and Executive patronage; but he could make no headway, not even to obtain the yeas and nays on the rejection of his motion to suspend. The Pre-emption bill from the Senate, upon which a half a dozen questions had been taken, to exclude it from the committee of the whole, was brought up again, by a motion to reconsider the vote of yesterday, refusing to commit; but the House refused to reconsider—fifty-nine to ninety-seven. A large number of bills reported yesterday from the committee of the whole were passed; but a debate arose upon the bill for the relief of the heirs of Matthew Lyon, which continued until the recess, when Waddy Thompson was making a foolish and ignorant speech in its favor. I did not return to the House after dinner.

24th. *Sunday.* I attended after dinner at St. John's Church, where Mr. Higbee read the service for the fifth Sunday after

Easter, and a stranger preached, who, Mr. Hawley told me, was Mr. Leverett, of South Carolina. He delivered his text in a tone of voice so low that I could not hear him; and his sermon itself was a compound of frothy declamation, in elegant but affected language, hobbling and bursting along, leaving upon the memory absolutely nothing. He reminded me of a panegyric I once heard passed upon a young clergyman of the highest reputation in South Carolina. It was said of him that he rode the most spirited horse, was the best shot at a plover-flying, played the best hand at whist, and wrote the best sermon, of any man in the State. How manners pass down from age to age! How much of the South Carolina character originated in Locke's Constitution? How much in the sub-tropical climate? How much in the cultivation of indigo, rice, and cotton? How much (more than all the rest) in negro slavery? How much in the Christian religion? And how much in Anglo-Saxon descent? These elements, mixed with the casual diversities of individual men in the progress of population, have produced an average associate character different from that of any other State in the Union—from none more than from that of its next-door neighbor, North Carolina. This character shows itself everywhere—in the city, in the field, by the family fireside, in the social circle, at the bar, in the legislative hall, and, finally, in the pulpit, as I heard it this day—when, not being very well, I was not in the happiest trim to receive it. Mr. Richard Cutts and Mr. D. D. Barnard were here this evening.

25th. The House was taking the yeas and nays for a call to make a quorum, which was effected, and then the call was superseded. The Speaker then called for petitions, beginning with the Territory of Iowa, and proceeding south, and then east, through all the Territories and States. There were very few—the field having been swept clear last Monday. I presented a set of six abolition petitions, the last I had on hand, four of which were excluded from reception by the rule of 28th January, and the other two were laid on the table. I presented also the memorial of Lysander Spooner, of Athol, Massachusetts, complaining of the official conduct of John McLean, a Judge of the Supreme Court of the United States,

in depriving him of his right of appeal from his decision, as a Circuit Judge in the District of Ohio, to the Supreme Court of the United States. I assigned my reasons for presenting this memorial; said I should neither ask that it be read or printed, but merely that it be referred to the Judiciary Committee, with an earnest entreaty to them to give to it their serious and undivided attention. It was so referred—at first without opposition; but afterwards Crabb, of Alabama, did object, and the Speaker took the question a second time. Half a dozen voices answered no; but the Speaker declared the motion for reference carried.

I asked leave to present the two sets of resolutions which I have had so long prepared—one denouncing the detention and imprisonment of the Africans of the Amistad, and the other relating to the investment of public trust funds of the United States in stocks of the States. Objection was made even to the reading of both of them; but they were read. Neither of them was received.

I gave them both to Stansbury, with the request that they might both be published in the National Intelligencer to-morrow morning.

26th. At the House, Giddings, of Ohio, moved a suspension of the rules, for a call upon the President to inform the House whether Amos Kendall held the office of Postmaster-General on the 21st of this month, the date of an address to the people of the United States, which he has published in a pamphlet signed by him, and grossly insulting to the members of Congress. The suspension was refused, by yeas and nays—sixty to one hundred and two.

Kendall has resigned his office of Postmaster-General, upon a pretence of ill health, to become editor of the Extra Globe, an electioneering periodical to be published during the pendency of the Presidential election. And his party have been called upon to tax themselves roundly, by subscriptions for this paper, to support him. This abusive treatment of members of Congress by Executive jackals was begun by Andrew Jackson, who set the example of it himself. The successor dares not follow that part of the system, but stimulates his

menials to the dirty work; and the spirit of party so entirely swallows up the "esprit du corps" in Congress that the majority will suffer no check or rebuke upon this slanderous practice.

The orders of the day were called, and the new Pre-emption bill was taken up. The Western spoilers, with their Kinderhook allies, have managed to keep the bill in the House, subject to the previous question, without going into committee of the whole upon it at all. They had even started the previous question; but Governor Lincoln, a member of the Committee of Public Lands, had the luck to interpose a motion for a small amendment, upon which he spoke very eloquently against the bill until the recess.

I rode home to dine, and at four o'clock returned to the House, where Governor Lincoln, for another hour, was declaiming against the bill, and proposing a petty amendment, with which, he said, he would vote for the bill, and which surrendered the whole cause. When he took his seat, about twenty members started up at once. The Speaker gave the floor to John White, of Kentucky, a member of the committee, who spoke till seven o'clock against the bill, but with such rapidity and indistinct articulation that I could hear very little of what he said. The Speaker then gave the floor to Hubbard, of Alabama, the foggy, who said he should make a short speech to disabuse the House of the misconceptions put forth by Governor Lincoln, and then bring the discussion to a close; two speeches, both against the bill, having been made, and only his short speech in reply.

27th. After I left the House last evening, Hubbard, of Alabama, made his speech, and closed, as he had announced he would, by moving the previous question. Lewis Williams moved in vain to adjourn, and for a call of the House. The previous question was carried. Governor Lincoln's amendment was rejected, by yeas and nays—eighty-six to ninety-seven—and the bill was passed—one hundred and twenty-one to sixty-four; and thus were the public lands of the nation delivered up to the spoilers, Cushing, Parmenter, and Henry Williams voting throughout for the bill. The public lands are

gone; and Wise, after the previous question was ordered, told the secret by saying that poor settlers on the lands meant members of Congress.

This morning the first hour was occupied in pertinaciously debating whether a committee of the House, after agreeing to a report, can reconsider their vote and agree upon another; on which Russell, Randolph, Tillinghast, and Sergeant maintained the affirmative, and Dromgoole the negative, until the expiration of the hour. Sergeant then made a statement, as Chairman of the Judiciary Committee, against the memorial of Lysander Spooner, which he said the committee unanimously considered as totally groundless and unfounded. There were some expressions in the statement which seemed to imply a censure upon me for presenting the memorial.

I rose to remark upon them; but Alford, of Georgia, got the floor, and moved a reconsideration of the bill which had passed last night, and for the passage of which he had voted. The bill, which had already passed the Senate, was now gone there to be signed by the Vice-President; and it was made a question whether a reconsideration could in such case be moved. While this was in debate, Burke, from the Committee of Enrolled Bills, reported it for the signature of the Speaker, who decided that the motion to reconsider was in order; and this decision was, upon appeal, sustained by the House. Alford proceeded in his vehement and humorous manner to prove over again what Governor Lincoln, and White, of Kentucky, had consumed all day in demonstrating—that the bill was an effectual surrender of all the public lands to the land-jobbing gamblers. But it was in vain; he was answered with the previous question, and yeas and nays—ninety-six to one hundred and three—against reconsideration.

It was past two o'clock when the House went into committee of the whole on the state of the Union on the Independent Treasury bill, Linn Banks in the chair. Cushing resumed his argument against it till the recess. I then rode home, taking with me my books for reference on the Revenue bill debate. I returned between four and five, and found Cushing drawing to the close of his speech, in which he mentioned with appro-

bation my son's articles in the Boston Courier on the Government and the country.

28th. At the House, the morning hour was consumed in further debating the question whether a standing committee of the House, after having agreed upon a report, can reconsider their own report and present to the House another.

Tillinghast produced the authority from the journal of the English House of Commons of 5th June, 1607, against the right to reconsider; he thought it antiquated; but Dromgoole insisted that its antiquity was the best proof of its propriety and wisdom. Ryall, one of the spurious members from New Jersey, made a speech rather in favor of the second report than upon the right of the committee to make it; and Dickerson, another of the same false delegation, took the floor just as the morning hour expired.

Triplett, of Kentucky, moved a suspension of the rules to introduce a bill supplemental to the supplemental Pre-emption Act definitively passed yesterday. Triplett said he was authorized by the Chairman of the Committee on the Public Lands to offer this bill. Lincoln asked who gave the Chairman liberty to confer such favors. Triplett answered it was no favor, but a right. The Speaker advised Triplett to wait till to-morrow; and he accordingly withdrew his motion to suspend the rules, and gave notice that he would ask leave to bring in his bill to-morrow. It is a stoppage at the spigot after the head of the barrel has been knocked out.

Committee of the whole on the state of the Union, Linn Banks in the chair. Independent Treasury bill. Lowell, of Maine, took up his humdrum discourse of invective against banks, raked and scraped from Van Buren's and Jackson's messages and the mob-led newspapers for the last three years; and this he continued droning till the recess.

I rode home, determining not to return to hear the peroration of this modern Demosthenes, but to write out part of my speech of the 9th instant; instead of which, I found myself after dinner weary and drowsy, and took a siesta of two hours, after which I could write nothing but the remnant of the journal of yesterday.

Mr. George Gilmer, heretofore a member of the House from Georgia, and since then a Governor of that State, was in the House this morning, and gave me a cordial greeting. I asked Sergeant, if the Judiciary Committee meant to censure me for presenting Lysander Spooner's memorial, they would distinctly say so in their report, and I would meet it.

29th. My helpless and almost lifeless arm disqualifies me much for writing, and leaves the activity of the mind to turn and prey upon itself. In my sleepless, and in many of my wakeful, hours, I turn to my versification of "The Wants of Man," to which I this morning added four stanzas, making in all twenty-two. I wrote it first in twelve, and have subsequently added some of the best stanzas; but in coming to details I find them susceptible of multiplication ad infinitum. The consequence is that the poem is already too long; trifles should always be short.

I had forgotten to mention that on Tuesday morning Mr. Trist called upon me and left with me a large volume of manuscript correspondence relating to the charges against him; and Mr. Davis, our Senator, sent me another parcel of papers on the same subject. Captain Wendell has arrested Mr. Trist here upon an action of trespass, laying his damages at thirty thousand dollars. John W. Jones moved, as usual, the suspension of the rules to take up the Independent Treasury bill—one hundred and six to eighty-four; not two-thirds. I foretell that the majority for this bill will be twenty-five. The House then went into private business, and soon fell foul of the bill for allowing double rations to Daniel Parker while he was Adjutant-General—the old grudge of John C. Calhoun against him. This was debated till the recess. I rode home, and did not return to the House this afternoon.

I had a long conversation with Governor Gilmer upon old forgotten political manœuvring and intrigues. Mr. W. C. Preston afterwards came to me, and, referring to my offer in March, 1825, to W. H. Crawford, that he should remain the Secretary of the Treasury, asked me if I knew that the answer which I received from him was not the answer which he first wrote on receiving my note. I said I did not. He said that Mr. Craw-

ford's first answer was kinder in its expressions, and placed his retirement from the Treasury Department entirely on the ground of his ill health. He said that Mr. Crawford's original answer still existed, and he could procure the original or a copy of it for me. I infer that Gilmer has this paper, and that they have some need or occasion for testimony from me.

30th. The debate on the question whether a committee of the House, after agreeing to make a report, can reconsider their decision and present a report of an opposite character, was brought to a close by the previous question. The report presented by Hillen, accompanied by a bill repealing the Pilot law, was accepted, by yeas and nays—eighty-six to eighty-two; and the true report of the majority of the committee, offered by the Chairman, Curtis, was thereby rejected, and this vote was carried by the change of three Democrats—Carr, Galbraith, and Henry Williams—who, when their names were called, answered no, and, after the roll was called through, changed their recorded votes, ranged themselves with the rest of their party, and reversed the decision of the House, which they had just contributed to form. What an illustration of the principle thus settled, that a committee of the House cannot reconsider its own vote! Atherton, after the failure of a motion to suspend the rules to take up the Sub-Treasury bill, gave notice that he would next Monday move to rescind the rule itself which requires a majority of two-thirds to suspend the rules. A fisticuff fight and a breaking of canes over each other's heads took place, just at the moment of the recess, between Kenneth Rayner and William Montgomery, both members of the House from North Carolina. They have been reviling each other in the Globe newspaper for the last fortnight or three weeks.

June 4th. Committee of the whole on the state of the Union, Linn Banks in the chair, and the Sub-Treasury bill. Henry Williams, of Taunton, who represents the Tenth Congressional District of Massachusetts, made a speech of nearly two hours for the bill, and against the banks. He is a young man, of modest deportment, and very intelligent, rather effeminate countenance. He has hitherto been a mute Administration

voter. His speech this day displayed no lack either of assurance or of fluency. But it was so insupportably destitute of original thought, and so redundant of commonplace party slang, that, after wearing out my patience for an hour, it fairly drove me from the hall, and I went into the Senate-chamber. There, I heard the close of a speech of Henry Clay, and the beginning of one of Silas Wright, upon the Bankrupt bill, now before that body. When I returned to the House, the recess had commenced. Henry Williams had finished his speech, and John Smith, of Vermont, had begun another like unto it. I rode home, dined, and returned to the House at four P.M., taking back Mr. Vattemare's Album Cosmopolite. I found John Smith hammering away for the Independent Treasury bill and against the banks. He finished soon after five, and Anson Brown, of New York, followed for an hour against the bill. John White, of Kentucky, then took the floor, the committee rose, the House adjourned, and I walked home. I finished for Charles Ogle the ballad on the Wants of Man, in twenty-three stanzas. I had given a copy of one of them (the wife) to John Bell, for a Mrs. Morehead, of Ohio, who had requested an autograph signature. William C. Dawson this day requested of me some lines in my own handwriting, to send to Mrs. Dawson. Do I waste too much time upon these trifles? What better can I do?

5th. I found the House in session, and Mr. Chinn offering again a resolution, which the House had refused to receive, calling on the Postmaster-General for a report whether the Postmaster at Baton Rouge was a defaulter, and leaving out the call for the correspondence. Chinn said he had in his possession a letter from the man himself, acknowledging that he was a defaulter and justly removed, and he said that he specially wanted the correspondence. McKay's motion to suspend prevailed—many members supposing that the resolution, once introduced, would be open to Chinn's amendment; but, to cut that off, McKay made a speech and moved the previous question. Chinn asked him to accept an amendment calling for the correspondence; but he refused. Indignant at this base trickery, Lewis Williams moved a reconsideration

of the vote to suspend the rules; but it was too late. The daily practices in the House have degraded it into a meeting of sharpers.

The morning hour was gone. The orders of the day were of private business, but the rules were suspended by a vote of one hundred and four to seventy-three, under the new rule not requiring a majority of two-thirds. Committee of the whole on the state of the Union, Linn Banks in the chair. John White, of Kentucky, had the floor, and occupied the whole day in a speech against the Sub-Treasury bill. White is a man of fine talents, and an able debater, but his manner is so vehement and his articulation so rapid that it becomes altogether indistinct. He repeats the word "Sir" at least every fifth word, and his discourse is one continued stream, without division into paragraphs or construction of sentences.

I listened to him about an hour, and then went into the Senate-chamber, where I found Mr. Webster speaking on the Bankrupt bill, followed by Silas Wright. The question upon the compulsive clause, as it is called, was taken, and retained. Mr. Clay had moved to strike it out. The Senate had already struck out the section which included the banks within the operation of the law. Hubbard now moved an indefinite postponement of the whole subject, which started a debate of three hours, when the motion was rejected, by a vote of sixteen to twenty-eight.

7th. After dinner at St. John's Church. Mr. Hawley read the evening service for Whitsunday, and preached from Zechariah iv. 8: "Moreover the word of the Lord came unto me, saying," 9: "The hands of Zerubbabel have laid the foundation of this house; his hands shall also finish it; and thou shalt know that the Lord of hosts hath sent me unto you." 10: "For who hath despised the day of small things?" A copious text, and very inadequate commentary.

The last four lines of the version of the Psalms of David, in the Prayer-books before 1832, read thus:

"Would he (God) his saving power employ
To break his people's servile band,
Then shouts of universal joy
Should loudly echo through the land."

In a General Convention of the Episcopal Church at Philadelphia, 29th October, 1832, a revised book of Psalms, selected from the Psalms of David, was substituted for them, to be read in the Episcopal churches; and in that revisal the above verse is, in the eleventh Psalm, altered to read thus:

> "Oh that from Sion he'd employ
> His might, and burst th' oppressive band!
> Then shouts of universal joy
> Should loudly echo through the land."

The last two lines are the same. The debasement both of the thought and of the expression, in the alteration of the first two lines, is the brand of slavery upon the Episcopal Church in these United States.

8th. This was the regular day for the receipt of petitions, but at five minutes past eleven I found them in committee of the whole on the state of the Union, Banks in the chair, and Ramsey drawing to the conclusion of his discourse. He finished between twelve and one—as he began, superlatively dull; and was followed by Theron R. Strong, from Palmyra, Wayne County, New York, who took for his text the resolutions of the Legislature of that State against the Sub-Treasury, and, in commenting upon them, assigned his reasons for the determination to support and vote for that bill. They were venomous, sophistical, and disingenuous, like nine-tenths of the reasonings of the mock Democracy. He recognized the right of instruction from the constituent to the representative, and the duty of the representative, on receiving instructions from his constituents, to obey them, or to resign; but he maintained that the resolutions of the Legislature of New York were not instructions; that the Legislature themselves did not speak the sentiments of the people of New York; that the people of New York would soon show their real opinions to be directly the reverse of those of their present Legislature; and that next November would display the triumph of Van Buren and Democracy; and down he dropped into his seat.

Then rose Albert G. Marchand, of Greensburg, Westmoreland County, Pennsylvania, a squat little Jew-faced rotundity,

said to be the youngest member of the House—not more than twenty-eight; and the first thing that I heard of his oration was a reference to a letter from Pliny to Trajan, about corporations. He was afterwards abundant in classical lore, and in the history of the ecclesiastical establishments of the Middle Ages in England.

9th. At the House, I found them taking the yeas and nays upon an amendment proposed by the Committee of Foreign Affairs to a joint resolution from the Senate, authorizing the President of the United States to accept certain presents sent by the Imaum of Muscat to this country, and a lion and lioness from the Emperor of Morocco, and directing that they should be sold and the proceeds thereof placed in the Treasury. The amendment was, that the proceeds should be distributed equally between two charitable institutions in this city. The amendment was adopted by yeas and nays—ninety-seven to sixty-four. The previous question had already been ordered, and the Speaker was already putting the main question of engrossment, when I rose, and enquired whether Congress had ever authorized the acceptance of presents from foreign powers.

The Speaker answered that he did not know, but the previous question had been ordered, and there could be no debate. I persisted in the enquiry.

The Clerk produced the joint resolution of 13th February, 1835, for disposing of a lion and two horses received by the Consul of the United States at Tangier from the Emperor of Morocco. I then affirmed that Congress never had in any one instance authorized the acceptance of presents, and asked the House to hear me but five minutes against the resolution. Pickens sent the Constitution to the Clerk to read the prohibition of the acceptance of presents without the consent of Congress; and he said, in his dashing tone of contemptuous ignorance, that there was nothing in my objection; it was all imaginary. Cooper, of Georgia, moved to lay the whole subject on the table, withdrew his motion, and then renewed it. Several voices asked that I might be heard; but Turney objected. Cooper's motion was rejected, by yeas and nays—fifty-

five to one hundred and eleven. Hoffman moved to recommit the resolution to the Committee of Foreign Affairs by general consent. Pickens objected, but finally consented, upon condition that it should come up again to-morrow morning. I asked Cushing that the committee should consider the case of Thomas Pinckney, in 1798.

After this flurry, and an abortive motion of Cushing to suspend the rules for the reception of reports of committees, the House went into committee of the whole on the state of the Union upon the Sub-Treasury bill, Linn Banks in the chair. Underwood resumed and concluded his speech—a very good one—against the bill. He was followed by William Lucas, of Charlestown, Jefferson County, Virginia, in favor of the bill—a proser.

10th. I had notified as many members as I could find of the select committee appointed on the 5th of February last on the letter from the Secretary of War and the memorial of the American Philosophical Society, asking an appropriation for the purpose of making magnetic and meteorological observations, to meet this morning at ten in the chamber of the Committee of Manufactures. The members of the committee are Adams, Naylor, Davee, Sumter, Wise, Granger, Dawson, Duncan, and Montgomery. Only four attended this morning—Adams, Davee, Naylor, and Wise. No quorum being present, nothing could be done. Davee and Naylor were perfectly well disposed to the object, but Wise thought the proposal might be made an excellent handle for ridicule at the stump, and thought Poinsett had shifted the responsibility of the proposition from himself upon me. He said he should propose a letter of enquiry to Poinsett to know whether he recommended this measure, and said he could throughout all Virginia drive off any Loco-foco candidates from the field on this mere proposition. I notified another meeting of the committee for next Monday morning at ten.

11th. The Mileage bill was taken up. Black, of Georgia, moved to lay it on the table; yeas and nays—twenty-four to one hundred and thirty-two. Dromgoole called the yeas and nays, and the bill was passed—one hundred and forty-eight to

fourteen. Thompson, of Mississippi, moved a reconsideration. The bill will cut off about eight hundred dollars of his allowance for travel at each session. He said it was a struggle between the two parties in the House to out-demagogue each other. However true this might be, it did not help his cause. Underwood called the previous question, and the vote for reconsideration was lost—twenty-nine to one hundred and twenty-five.

Petriken objected to the bill from the Library Committee concerning international exchanges, and it was referred to the committee of the whole House.

The Sub-Treasury bill was now again taken up in committee of the whole on the state of the Union, Banks in the chair, and Isaac Parish, of Cambridge, Ohio, who had taken the floor yesterday just before the recess and consumed all the afternoon sitting in support of the bill, wasted alike the remainder of the morning till the recess, without concluding.

I came home, calling, on my way, at the office of the National Intelligencer, to inform Mr. Gales that I expected to have my speech of the 9th ready for publication to-morrow. He said it should be published next Monday. I did not return to the House, but dictated, drawing towards the conclusion of my speech. No small part of this day was engaged in hunting up documents respecting the acceptance of presents by officers of the United States from foreign powers.

12th. This was a day devoted by the rules of the House to private business; but the rules were suspended by a bare majority vote for the Sub-Treasury. Botts, of Virginia, threw into the House a hand-grenade, which exploded, to the great alarm of the slavers. Some time last winter, a lieutenant in the navy, named Hooe, a Virginian, was tried by a Court-martial at Pensacola, and two black men, the steward and cook of the vessel, were admitted by the Court as witnesses against him. He protested against their admission; but he was convicted of the offence charged against him, and sentenced to some partial suspension from the service. The Secretary of the Navy, Paulding, confirmed the sentence, and President Van Buren endorsed upon the proceedings that he saw no reason for his interference in the case.

Botts asked leave to introduce a resolution calling for copies of the proceedings on this Court-martial, with a preamble of bitter censure upon the Court for admitting the testimony of the two negroes. Botts came to my seat before he offered the resolution and asked if I should object to it. I said, certainly not, as a call for papers. But, I said, I should not view the transaction in the same light that he did. He said nothing to me of his preamble. Objection was made to his resolution. He moved a suspension of the rules. He carried a majority to suspend, but not two-thirds—ninety-five to eighty-five. The servile phalanx was broken. All the Whigs, North and South, voted to suspend. Stragglers, North and semi-South, deserted from the Kinderhook ranks. Pickens swore like Uncle Toby's armies in Flanders, and bolted to dodge the vote. Frank Thomas, snake number one, could not think of admitting such a resolution without time to reflect. McKay, snake number two, voted against suspending, and then offered himself a resolution calling for the papers, without preamble. But the House would not receive it; and he gave notice that he would offer it again to-morrow. The rules for the consideration of private business were then suspended. Committee of the whole on the state of the Union, Banks in the chair. Daniel D. Barnard took the floor, and spoke till the recess, without concluding, against the bill. He spoke, as usual, admirably well; but he spoke to the stone pillars. The debate is so hackneyed that the voice of one from the dead could not rouse attention to it.

13th. Jones, Chairman of the Committee of Ways and Means, moved a suspension of the rules (private business) to go into committee of the whole on the state of the Union upon the Sub-Treasury bill.

Wise, in behalf of Botts, who was engaged with the Committee of Elections, moved a suspension of the rules for the naked resolution, without the preamble, that he had offered yesterday, calling on the Secretary of the Navy for copies of all the proceedings of the trial by Court-martial of Lieutenant George M. Hooe, of the navy. But the rules were not suspended, for there was now no opposition to the call. It was received and adopted by general consent. The flutter of yesterday had all

subsided; and the political capital against Mr. Van Buren furnished by this incident will be reserved for the stump.

Mr. Banks was then called to the chair of the committee of the whole on the state of the Union, and Charles Shepard, of Newberne, North Carolina, made a speech of an hour and a quarter in support of the Independent Treasury. He is a deserter from the Whig to the Kinderhook ranks, frightened off by the bugbear of abolition. His old Whig principles still linger loosely upon him, and his speech was a sort of salmagundi—half Whig, half Democrat.

He was followed by John Edwards, of Ivy Mills, Delaware County, Pennsylvania, in a cool, rational, but earnest speech of half an hour against the bill; he finished at a quarter-past two. He sat down, and no one rose to take the floor. A pause of two or three minutes ensued, and then a call for the question, which was on a motion to strike out the enacting clause; but there was no quorum to vote. E. Davies moved the committee to rise; refused—twenty to forty; but the committee rose, and the Chairman reported no quorum. Morgan moved to adjourn. Dromgoole called the yeas and nays—thirty-six to fifty; and while they were taken the time for the recess arrived. Mr. Saltonstall rode home with me. I did not return to the House after dinner.

15th. Dr. Thomas was here this day while I was at the House, and left some oiled silk to paste over my shoulder and arm, which are yet weak and sore, and of which I shall probably never more have the perfect, or even vigorous, use; but which might henceforth furnish me the occasion to exercise the virtues of fortitude and resignation, if I possess them. I had nearly forgotten my own call of a meeting at ten this morning of the select committee on the memorial of the American Philosophical Society at Philadelphia, praying the aid of the Government for the establishment of stations of magnetical and meteorological observations in concert with those instituted by the British and other European Governments. I reached the chamber of the Committee of Manufactures at a quarter-past ten, but only three other members of the committee attended—Wise, Naylor, and Montgomery. Of

the other members, Granger has gone home, sick; Duncan, Sumter, Dawson, and Davee had been notified by me, but did not attend. There was no quorum, but Mr. Wise offered his resolution calling upon the Secretary of War (Poinsett) for his opinion upon the application of the Society. I made a few observations to oppose it, and Mr. Montgomery said he was ready to vote for the appropriation. We adjourned to meet again on Wednesday morning.

At the House, immediately after the reading of the journal, Jones moved to suspend the rules (resolution day) to go into committee of the whole on the state of the Union. Wise asked his permission to offer a joint resolution for fixing the day of adjournment on the 11th of July, but he declined. The rules were suspended. Mr. Banks took the chair of the committee, and Mr. John Pope, of Kentucky, had the floor. He was not in the House, and Mr. Black, of Georgia, proposed to take his place; but while it was in discussion whether this could be allowed, Mr. Pope came in, and commenced a random, rambling speech against the Sub-Treasury bill, which continued until the recess. He said the speech was made for his constituents, and not for the House.

I could not stand it, and found other occupation in commencing a poetical address in ottava rima to the marble statue of Clio over the clock at the front entrance to the hall. I went also into the Senate-chamber, and obtained from Mr. Silas Wright a copy of the amended bill reported by the Senate's Committee of Finance from the bill passed in the House for the more perfect collection of the revenue. They have superadded to it an entire bill of thirteen sections, and have considerably extended the ninth section, which I had such extreme difficulty in carrying through the House.

16th. My speech on the 9th of May furnishes four columns to the National Intelligencer of this morning. But a spirit of indolence is coming over me, and I am tasking my brain too much for stanzas to Clio. When I reached the House, they were taking the yeas and nays on a motion of William K. Bond, Chairman of a select committee on a memorial of William Wright for an enquiry into the settlement of accounts

between the United States and the Commonwealth Bank at Boston, to suspend the rules to allow him to make a report from the committee; but the House refused to suspend—fifty-five to eighty-four. The previous question had been ordered on the bill to repeal the Pilot law of 2d March, 1837. The motion to recommit was of course set aside, and the bill passed to a second reading—ninety-three to eighty-nine. At the second reading there was, as usual, much dirty trickery to snatch the floor from Tillinghast, who had risen to speak against the repeal; but the Speaker persisted in giving him the floor, and he made his speech; not a long one. He was followed by George W. Toland, of Philadelphia, also against the repeal, who was soon interrupted by the expiration of the morning hour, and the demand of Charles Fisher, of North Carolina, a member of the Committee of Elections, to be discharged from further service on that committee—his only alleged reason for which was that he had other indispensable business to attend to, which he could not do and serve further upon that committee. Debate arose. The Whigs were all against excusing him. He finally intimated that he would no longer serve, whether the House should excuse him or not. The vote, by yeas and nays, to excuse him was one hundred and four to eighty; the New Jersey intruders all voting with the majority. Vanderpoel voted against it. The rest was a close party vote. I believe, and told Fisher, that it was unwillingness to pass sentence upon his friends. This he faintly denied.

I had some conversation with him upon the Sub-Treasury bill, which, I said, would be a powerful engine in the hands of Mr. Van Buren's successor. He said he had not the slightest doubt of Van Buren's re-election, but that he should vote against the Sub-Treasury. I told him I could hardly believe that; but he said I might. He may perhaps not vote for it. When it came up this morning, Banks in the chair, Black, of Georgia, emptied his bag of balderdash against his Whig colleagues, and especially against Gamble, his competitor for the next Congress. King and Nisbet occasionally interrupted him to explain, but only quickened the crackling of his fagot

fire. John W. Crockett followed him, against the bill, till the recess.

17th. I had called again a meeting of the select committee on the memorial of the American Philosophical Society, at ten this morning. Wise, Naylor, and Montgomery were again there; absent, Duncan, Dawson, Davee, and Sumter. After waiting till about a quarter-before eleven, the members present became impatient, and adjourned to Saturday. Ten minutes after, Dr. Duncan came to me in the House and said he had been waiting *half an hour* in the chamber of the Committee of Manufactures. As soon as the journal had been read, I started with half a dozen others—"Mr. Speaker." The Speaker gave the floor to Petriken, who moved to suspend the rules for a resolution to adjourn on Thursday, the 9th of July, at eight o'clock in the evening—yeas, seventy-seven; nays, eighty-six; rules not suspended. "Mr. Speaker"—again. He now gave the floor to Craig, of Virginia, who moved a suspension of the rules for a resolution that from and after this day the hour of meeting of the House should be ten o'clock A.M. This time the rules were suspended—yeas, one hundred and forty-two; nays, thirty; previous question carried, and the resolution adopted. "Mr. Speaker"—tertio. Dana, of New York, got the floor, and moved a suspension of the rules for a resolution directing the Clerk to cause the names of all the members of Congress absent at any call of the House or taking of yeas and nays to be published in one or more of the city newspapers—yeas, one hundred and six; nays, seventy-six—not two-thirds; rules not suspended. "Mr. Speaker." This was my fourth call; made while he was saying, "Reports from committees are in order." He now heard me, and gave me the floor.

I asked leave, in a very low voice, to present a short memorial from John M. Taggart, Andrew Hough, and one hundred and thirty-three workmen on the Treasury building, to be referred to the Committee on the Public Buildings. The objectors did not hear me. The memorial was received and referred.

Committee of the whole on the state of the Union, Banks in the chair. Bell continued his speech against the Independent Treasury bill, till the recess. I passed that in the chamber of

the Committee of Manufactures, reading newspapers. After the recess, Bell resumed his speech, and spoke till seven without approaching to a close. The committee then rose, for want of a quorum; but a motion to adjourn failed, with a quorum. I left the House, took up Mr. Vattemare at his lodgings and brought him home with me, and he entertained all our company till past midnight with some portfolios of paintings and drawings and other curiosities, and wondrous arts of ventriloquism.

18th. I went to the House at nine this morning, and about a quarter-before ten we had a quorum of the Committee of Manufactures. Adams, Eastman, Tillinghast, Mitchell, Dromgoole, and Davis; absent, Slade, Nisbet, and Worthington. The bill from the Senate, No. 218, for regulating the duties on statuary and paintings, was taken up. I proposed to report against its passage, as a bill to raise revenue, which, by the Constitution, could not originate in the Senate. All the members of the committee present concurred in this opinion; but there was discussion upon the form of the report, which I was directed to prepare in writing and then notify another meeting of the committee.

In the House, immediately after the reading of the journal, Edward Curtis, of New York, announced, in a very feeling and eloquent address, the decease of his colleague, Anson Brown, at his own home, last Sunday evening. Curtis moved the usual resolutions, and the House immediately adjourned. I prevailed upon Naylor, Montgomery, Dawson, and Davee, to meet in the chamber of the Committee of Manufactures on the memorial from the American Philosophical Society. We had a quorum; but Wise, Granger, Sumter, and Duncan were absent, and Dawson took side for Wise's proposed resolution to call on the Secretary of War (Poinsett) for his opinion of the expediency of the appropriation. Naylor, Montgomery, and Davee were ready for an appropriation of twenty thousand dollars. No conclusion.

Mr. Pickens was in the adjoining chamber of the Committee of Foreign Affairs, and drew me into a conversation of more than two hours, which he will misuse in making up his report upon the negro captives of the Amistad, and for his argument

on the acceptance of presents. I was not wise; mais que voulez-vous?—when am I wise?

I visited Lieutenant Gilliss at his observatory. He showed me his magnetic and astronomical instruments for observing the variation, the dip, and the intensity; his transit instrument, repeating circle, and azimuth compass. I shall visit him again. Walk home.

19th. After a good night's rest, this was the first day since my disaster that the pain in my shoulder and arm is sensibly diminished. It has constantly been affected by the state of the atmosphere. Yesterday was a sultry day, and my walk home from the Capitol Hill, under the burning sun, without an umbrella, was a heedless experiment. There was a heavy thunder-shower in the evening, after which it cleared away, cool almost to a frost, and followed by a bright sky and bracing air, all this day. At five minutes past ten I entered the House, and found them in a bustle upon an Alabama squatters' pre-emption bill, which the members from Alabama were struggling to drive through without sending it to a committee of the whole. There was a remnant of reluctance upon the most submissive of the party slaves. Cost Johnson denounced the most abominable frauds of the Alabama land sales. A motion was made to lay the bill on the table. The Alabama members called for the yeas and nays, and could not obtain them; for tellers, and could not get them. A vote of a large majority laid the bill on the table. But Graves, of Kentucky, hearing around him some whisper of a motion to reconsider, moved it himself, and the previous question.

The party tocsin was in the sound of Graves's voice. The Alabama members called again for the yeas and nays, and they not only obtained them, but the vote just taken was reconsidered—one hundred and seven to sixty-four; and then the bill was referred to the committee of the whole, and made the order of the day for to-morrow.

Two or three other reports from committees were received, till the expiration of the hour, when, at the motion of J. W. Jones, the House went into committee of the whole on the state of the Union, Linn Banks in the chair; and George Evans

made a powerful speech of three hours against the Independent Treasury bill, closing prematurely at the recess, leaving several topics which he had intended to treat untouched. When he sat down, Joseph L. Tillinghast took the floor on the same side, and after the recess discoursed till sunset, when I left him speaking, without indicating any approach to a close. I then left the House and walked home, meeting on my way several members of the Democracy returning to the House—one of whom (Steenrod) I heard say that they intended to sit it out to-night and get the bill out of committee.

20th. Soon after nine this morning, I attended at the chamber of the Committee of Manufactures for a meeting of the select committee on the memorial from the American Philosophical Society, but found only Mr. Naylor there. Engaged in a conversation with him, till, on repairing to the hall, we found the House in session and receiving reports from committees. At the expiration of the hour, the rules of private business were suspended; the House went into committee of the whole on the state of the Union, Linn Banks in the chair; and Walter Colquitt, of Georgia, made a speech of three hours in favor of the bill, and against the Bank of the United States, and all banks. Colquitt is a ranting Methodist preacher, a middle-sized man, of swarthy complexion, and crispy curls, between hair and wool, raising ominous conjecture of an infusion of African blood in his animal mechanism; low in stature, with eyes black as jet, and Ladino platitude of face. His articulation is so rapid and indistinct, his gesticulation so violent and contortive, that he looks more like a stage-tumbler making somersets than like a decent pulpit preacher. I could not hear a twentieth part of what he said; and what I did hear was not worth hearing. He is one of the three Georgian apostates from the party which elected him, and has, with the other two, Black and Mark A. Cooper, been dropped from the Whig ticket for the next Congress.

He was followed by Robert Barnwell Rhett, a South Carolina nullifier, of the absurdest stamp, a compound of wild democracy and iron-bound slavery combined with the feudal cramp of State sovereignty—the mongrel brood of doctrinal

nullification. Rhett spoke till the recess, and resumed on the return of half a quorum to the House; he finished about five.

There was, for the second time, a pause—a motion to rise, and report the bill; but there was a pending motion to strike out the enacting clause, and no quorum to take the question. David D. Wagener, of Easton, Northampton County, Pennsylvania, then rose, and read a speech of about a half an hour for the bill and against the banks. Wagener is a quiet, peaceable Pennsylvania Democrat, who would be an honest man if he could. Mark A. Cooper then took the floor, and moved the committee to rise. They rose for want of a quorum, and the House adjourned, by yeas and nays—fifty-four to fifty-one.

21st. My wife and Mary Cutts accompanied me this morning to the Capitol, where we heard Mr. Cookman preach from Romans viii. 2: "For the law of the Spirit of life in Christ Jesus hath made me free from the law of sin and death." How much benefit I ever have derived from hearing the gospel preached I am unable to estimate; but Mr. Cookman possesses a power of reason and of persuasion, over my judgment, feelings, and memory, not inferior to that of any man whom I ever heard. By the Spirit of life in Christ Jesus, Mr. Cookman understands eternal life, and resurrection from the dead, the great and vital article of the Christian faith. "I am the resurrection and the life." Mr. Cookman's exhortations are tender and affectionate. He dwells upon the tender mercies of God. He calls the sinner to repentance by arguments implying that the hearer's will is under his own control. He made some very forcible remarks upon a doctrine very current among free-thinkers, that a man cannot be accountable for his faith or belief; which, he said, one of the master-spirits of the age had pronounced altogether involuntary and independent of the will. He replied that man was accountable—at least, accountable for attention, for hearing—and quoted St. Paul, that "faith comes by hearing, and hearing by the word of God." I glanced at this topic last October at Braintree, and wish I could examine it thoroughly. The hall was well filled with hearers, but not many in the galleries—less than thirty members of Congress.

As we rose from dinner, I had a visit from Mr. Benjamin Rush, eldest son of Richard Rush, and Secretary of the Legation of the United States at London. He has just arrived in the steamer Great Western, after a passage of fourteen and a half days. He comes as a special bearer of dispatches from our hopeful Minister at the Court of Queen Victoria, Andrew Stevenson. A messenger to the British Minister here, Mr. Fox, came by the same vessel. They bring a proposition from the British Government relating to the North-eastern Boundary question, not definitive, but approaching to it. Mr. Rush thinks the question will be amicably adjusted. He expects to depart about the 1st of August to return to England.

23d. I reached the House only a few minutes before ten. Wise moved a suspension of the rules to offer his resolution for adjourning on the 11th of July at two P.M. Call of the House till the close of the doors, and then further proceedings suspended. Vote on the suspension of the rules, seventy-six to ninety-three.

I presented to the House, in behalf of Daniel Raymond, a copy of his book on Political Economy, and moved that it should be deposited in the library; which was ordered.

Cushing came to my seat and said he had thought of opposing the reception of the book. I asked, Why? He said he thought it an improper mode of advertising the book. I said, "Well, make your motion;" but he did not.

I reported from the Committee of Manufactures against the passage of Senate Bill No. 218, to regulate the duties on sculpture and paintings. The resolution at the close of the report, to postpone the bill indefinitely, on the presumption that it passed the Senate by inadvertence, was adopted, without discussion or opposition.

At the expiration of the morning hour, committee of the whole on the state of the Union, Linn Banks in the chair, and the Sub-Treasury. In the half-hour that I was in the House last evening, Holleman was all the time demonstrating that the Bank of the United States never furnished a currency or regulated exchanges. He spoke for about an hour after I left the

House, and then they adjourned. This morning he resumed, and regularly went over the same demonstration again, till, for very weariness, I went into the Senate-chamber, where they were discussing the Bankrupt bill. Returning to the House, I found Jenifer commencing a speech against the bill, which was soon suspended by the recess. I went to the chamber of the Committee of Manufactures, and wrote, to the severe exercise of my arm, till six o'clock. Returning then again to the House, I found them all in a hubbub. Jenifer had quoted an insolent closing paragraph of a speech of Theron R. Strong, and said he would reply to it. Banks, the Chairman, called him to order before he had begun to reply. Jenifer appealed, and Banks put the question on the appeal, as if Jenifer had begun to reply. Jenifer reduced his appeal to writing, and demanded that the question should be put in his own language. Banks persisted in refusing to receive Jenifer's appeal, and in putting the question in his own way. Tellers. Ayes to sustain the chair, sixty-eight; nays, none. "Don't vote! not one." Committee rose, and reported no quorum. Twice repeated. The third time Banks received Jenifer's appeal. The House sustained the Chairman. Motion to rise, fifty-five to fifty-five. Chairman votes against rising. J. W. Allen took the floor, and I came home.

24th. At the House, Mr. Botts moved a suspension of the rules to have read the proceedings of the naval Court-martial upon the trial of Lieutenant Hooe, reported by the Secretary of the Navy in answer to the call made some days since upon Botts's motion. Jones, of the Ways and Means, enquired if he proposed the suspension for the day, or only for the morning hour. Botts agreed to confine it to the morning hour, and the rules were suspended, by yeas and nays—one hundred and forty-five to twenty-five—my name being among the negatives.

The papers were partly read. The first was a defence of excuse and apology for himself, sneaking enough, for having done his duty. Botts objected to this as a paper not included in the call.

Before the reading was concluded, the hour expired. Jones moved to go into committee of the whole on the state of the

Union, but allowed Crabb to move a reconsideration of the vote of yesterday, accepting the copy of Raymond's book on Political Economy, with a view to have it referred to the Committee on the Library to examine and report upon it. Before I had an opportunity to understand Crabb's motion, Turney moved the previous question, which was seconded and carried, as by a whirlwind. I rose, and asked leave to assign my reasons for presenting the book, but was told by the Speaker that the previous question had been ordered and there could be no debate. Crabb was in a furious passion at the chapter on slavery he had found in the book. The Speaker allowed him to vent his spleen, but the noise and confusion were so great that I could not hear what he said. Ramsey moved to lay the whole subject on the table. Crabb called for the yeas and nays, and then for tellers—in vain. The subject was laid on the table by a vote of four or five to one. Crabb's rage was now turned upon the Southern Whigs, and warm words passed between him and Stanly. Committee of the whole on the Union, Banks in the chair. Allen, of Ohio, finished, and Sergeant began, a speech.

25th. At the House, Briggs, immediately after the reading of the journal, moved the suspension of the rules to go into committee of the whole on the state of the Union, setting aside even the morning hour. This was to cut off the reading of the remainder of the proceedings of the Court-martial on the trial of Lieutenant Hooe, and the rules were suspended. McKay, of North Carolina, made an attempt to introduce a resolution for the printing of the papers, but failed, entirely to his own satisfaction. He gave notice, however, that he should offer the same resolution again to-morrow. W. Cost Johnson was equally unsuccessful in calling for the bill from the Senate to continue for two years longer the charters of the District banks. The House went into committee of the whole, Banks took the chair, and Sergeant concluded the speech against the Sub-Treasury bill, which he had commenced yesterday morning—a master-speech, but so long, and on a subject so trodden down into barrenness, that I found it impossible to give it undivided attention.

I went into the Senate-chamber, where I heard closing speeches of B. Tappan and W. Allen (?) against the Bankrupt bill, which was nevertheless passed by a vote of twenty-one to nineteen. Sergeant finished at half-past one, and John Hastings, of Ohio, began reading a written speech from loose leaves, and in so low a tone of voice that not twenty persons of his own party, clustered round him, could hear him. The rest of the hall was deserted. I came home at the recess, and did not afterwards return to the House, where Hastings finished reading his speech. W. Cost Johnson made one of four hours, and Andrews, of Kentucky, occupied one hour more. They adjourned after ten at night.

26th. I had notified a meeting at nine this morning of the select committee on the memorial of the American Philosophical Society of Philadelphia; but two members only, besides myself, attended—Mr. Naylor and Mr. Davee. Wise, Dawson, and Granger are now all absent from the city. It is a desperate chance to get a quorum of the committee, and I concluded to give the report to the members of the committee separately to read, and thus obtain permission from the majority of the committee to present the report. I accordingly gave the report to Mr. Sumter and Dr. Duncan to read, and they consented that I should make the report. Naylor and Davee had done the same before, and Dr. Montgomery without reading it. I gave it also to John W. Jones, Chairman of the Committee of Ways and Means, to read, and showed him the item of appropriation which I proposed to move as an amendment to the Army Appropriation bill, when up for consideration. He said he could move no additional appropriation without authority from his committee.

In the House, Clifford moved again a suspension of the rules for a resolution to discharge the committee of the whole after Monday next from the further consideration of the Sub-Treasury bill, to take it up and pass upon it in the House; and this time he carried it, by a vote of one hundred and twenty-four to fifty-eight—more than two-thirds.

Sergeant moved a suspension of the rules to take up the Bankrupt bill, received from the Senate, merely to have it re-

ferred to the Judiciary Committee, and printed. The vote was eighty-eight to eighty-eight. Rules not suspended.

McKay again feebly renewed his movement to have the documents concerning the trial of Lieutenant Hooe printed, but failed again. The rules were, however, immediately suspended to go into committee of the whole on the state of the Union, Banks in the chair. McCarty, the successor of Charles F. Mercer, who had taken the floor last evening, made a sensible speech against the bill, and was followed by Richard Biddle, who spoke till the recess without concluding. I came home to dine, and did not return to the House, though greatly regretting that I could not hear the remnant of Biddle's speech. I class the Whig orators in the House, Corwin, Sergeant, Barnard, Biddle, each of whom might claim the first place. Biddle is in bad health, and resigns at the close of this session.

27th. The House sat last evening till past ten. Mr. Biddle finished his speech, and was followed by W. Cost Johnson, and he by Landaff W. Andrews, of Kentucky, with one rising of the committee for want of a quorum, one call of the House, and two or three abortive motions for adjournment.

This morning there was another flurry about the report from the Secretary of the Navy, with the documents, relating to the trial of Lieutenant Hooe. John M. Botts, a busy Virginia electioneering Whig, had called up these papers by obtaining the suspension of the rules for one morning hour. At the expiration of that hour, the papers had been read about half through. And now they cannot be taken up again without another suspension of the rules. The Southern Administration slave-holders now wish to get them up under the screw of the previous question, to refer them, with instructions, to the Committee on the Judiciary, to report a bill to prohibit the admission of the testimony of colored men upon Courts-martial, and this bill, when reported, to be carried through and passed under a succession of previous questions smothering all discussion. A cluster of these slavers in front of the Speaker's chair vociferated, the instant after the journal was read, a motion to suspend the rules to take up these papers. Botts was absent —gone to Virginia. Rice Garland said he had told him it was

on account of circumstances in his family, and he asked if it was fair dealing to call up this subject in his absence. Fair dealing and slave dealing—"nigroque simillima cygno." There was a call of the House, and a motion to suspend the rules failed, by yeas and nays—one hundred and five to fifty-eight; very little short of two-thirds.

The Speaker announced a letter from William L. Storrs, a member of the House from Connecticut, declaring that he has resigned his seat; which was read. He has been appointed a Judge of the Supreme Court of the State, in the place of Jabez W. Huntington, now a member of the Senate of the United States. Briggs then moved a suspension of the rules to go into committee of the whole on the state of the Union, which was carried, Linn Banks in the chair, and the Sub-Treasury. William B. Campbell, of Tennessee, made a feeble speech against the bill, and Augustus C. Hand, of Elizabethtown, Essex County, New York, one equally feeble in its favor. The hour of recess came before Mr. Hand had finished. I visited the room of the Senate's Committee on Indian Affairs, and saw Mr. Brackett's bust of General Harrison, which is very good. I walked home, and did not afterwards return to the House.

28th. *Sunday.* The House, or rather a fragment of the House, part of the time not more than seventeen members within the bar, continued in session last evening till midnight. It seems they agreed that each speaker should occupy not more than one hour. Hand finished at half-past four, and was followed by John Reed, John Davis, of Pennsylvania, Hubbard, of Alabama, Morgan, John Hill, of Virginia, Crabb, and Chittenden, till Duncan, of Ohio, took the floor for to-morrow.

There was a notice in yesterday's Globe that the Rev. Walter T. Colquitt, a member of the House of Representatives of the United States from Georgia, would preach at the Methodist Foundry Church at eleven o'clock this morning. I went to hear him, and liked him much better as a pulpit orator than I do as a Congressional speaker, statesman, or politician. His text was from Acts xxiv. 25: "Go thy way for this time; when I have a convenient season, I will call for thee"—an excellent

theme for copious illustration and commentary; and his commentary was very good. There was great animation in his manner, without any of the fantastic gesticulation and rant so disgusting in his speeches to the House. Procrastination of repentance and conversion was the continual subject of his expostulations with his auditory; and they were not ineloquent. I thanked him for his instruction, and thought there was not a member of the House who needed the practice of it more than himself. The house was crowded; the weather hot almost to suffocation. A chair was given me nearly fronting the pulpit. I saw there only two other members of Congress—Dr. Linn, of Missouri, with his wife, and John Fyne, of Ogdensburg, St. Lawrence County, New York.

29th. At the House, Petriken moved, knowing that there was not a quorum in the House, a suspension of the rules for a joint resolution to adjourn on the 15th of July, and called for the yeas and nays—sixty-three to forty-three. Meanwhile, the members were coming in. The question was taken over again, and the vote was eighty-three to eighty-seven. Briggs moved to suspend the rules to go into committee of the whole on the state of the Union.

Dromgoole wanted to bring up the Court-martial proceedings on the trial of Lieutenant Hooe; but Briggs would not consent. There were two personal explanations—one between Jenifer and Albert Gallatin Brown, a question of veracity, left, after the explanation on both sides, just where it was before; and another between Floyd and Chittenden, both members from the State of New York, in which Floyd, under the pretence of personal explanation, was replying to the speech of Chittenden, until he was arrested by calls to order. Banks then took the chair, and Alexander Duncan, of Cincinnati, Ohio, took the floor, promising to be brief, and, after three hours and a half, when the recess came, had not finished his dose of balderdash. This man, upwards of six feet high, stout in proportion, and with a handsome, manly-featured face, made hideous by a wild, savage, and ferocious eye, is the prime bully of the Kinderhook Democracy. His eloquence is in keeping with his person and deportment. He has no perception of

any moral distinction between truth and falsehood; but he has abundant sagacity to discern, and a brazen front to apply, that which will be sure to touch on the ignorance, the envy, and the malignity of the million—a thorough-going hack demagogue, coarse, vulgar, and impudent, with a vein of low humor exactly suited to the rabble of a populous city, and equally so to the taste of the majority of the present House of Representatives.

30th. I reached the House this morning at five minutes past ten, and they were taking the yeas and nays on a motion to suspend the rules during the morning hour to take up the papers of the Court-martial upon Lieutenant Hooe. The seats were already almost all occupied; but the vote was one hundred and twenty-three to sixteen, and the rules were suspended. Thompson, of Mississippi, had moved its reference to the Judiciary, and the previous question. He now enquired whether he could modify his resolution, and was told by the Speaker that he could. But he was dissuaded from offering his modification, and said he would offer it another time. Chinn moved that the papers should be referred to a select committee and printed; also that the further reading of them should be suspended; which was carried. Botts moved that the papers should be laid on the table and printed; question divided: printing ordered—one hundred and eighty-eight to two; to lay on the table, lost—sixty-two to one hundred and twenty-four. Previous question carried—the papers referred to the Judiciary Committee. Dromgoole wanted to move the printing of an extra number of copies; but the hour of eleven came, when, by a suspension of the rules, it had been ordained that the Sub-Treasury bill should be taken up in the House. Vanderpoel immediately moved the previous question. W. Cost Johnson was desirous of introducing a substitute for the bill, of which he had given notice, but which he could not present in committee on the motion to strike out the enacting clause. But Vanderpoel refused to withdraw, and the previous question was carried, by yeas and nays—one hundred and twenty-two to one hundred. The vote for the third reading was one hundred and twenty-three to one hundred and five. There was then a rush of members vociferating for the Speaker's

eyes, but he told them they must wait till the bill should be read through and the question put upon its passage. This was done, and again at least twenty voices at once shouted, "Mr. Speaker." He gave the floor to Mr. Graham, who spoke against the bill till the recess, without concluding.

I went into the Senate-chamber, where they were beginning the debate on the ninth section of my Revenue bill. They adjourned after three, and I came home to dine, intending to return to the House about sunset, when I expected the final question would be taken. About five o'clock, one of the House boys came, in a hack sent by James Monroe, to my house, informing me that there was a call of the House. I went up immediately, and found them taking the previous question; which was carried —one hundred and twenty-three to ninety-nine. The vote on the passage of the bill was one hundred and twenty-four to one hundred and seven. Cooper, of Pennsylvania, and Cushing, moved amendments to the title—which were rejected; and Cushing made a cutting speech, which threw Pickens into a paroxysm of fury, which he disgorged in a rhodomontade, ending with a call for the previous question. The title was finally carried without a division; and with the approach of darkness the House adjourned. Whether the result of this measure will be to rivet or to rive the party fetters and manacles of this people is for God, in time, to determine.

July 1st. At the House, Linn Banks moved a resolution for the adjournment of Congress on the 21st of this month. Days before and after were proposed, and Petriken, who chooses to have everything in his own way, moved the 15th and the previous question; both of which he carried—the previous question by one hundred and thirteen to twenty-two, and the day, the 15th, by one hundred and six to ninety-four. This was no sooner announced than Watterson moved a reconsideration; carried—one hundred and eight to eighty-four. Question again taken on the 15th; rejected—eighty-eight to one hundred and thirteen. Then the question upon the 21st was carried without a division. This is a pattern specimen of the consideration and reconsideration of this previous-question House.

I asked the general consent of the House to present a report

from the select committee on the memorial from the American Philosophical Society at Philadelphia. Cooper, of Georgia, objected, and my report was not received. But Cooper came afterwards to my seat, and, when I explained to him my reason for asking that the report might be received and printed, he said he would not persist in his objection.

The bill from the Senate for continuing the charters of the District banks, all of which expire on the 4th of this month, was taken up, by general consent, out of its time. Petriken and Mark A. Cooper immediately started budgets of burdensome conditions as amendments, which were sharply debated till the recess. I made a short speech to urge the indispensable necessity of passing the bill in some form before next Saturday. During the recess I went into the Senate, where they were debating with much earnestness the ninth section of my Revenue bill. Before the recess, Cave Johnson had moved to lay the Senate's Bank bill on the table; which had been rejected, by yeas and nays—eighty-seven to one hundred and fourteen. After the recess, Cooper's batch of amendments in superfetation of Petriken's batch was taken up and divided into parcels, upon each of which the yeas and nays were taken —some adopted, some rejected—until about sunset, when, at the motion of Petriken, the House adjourned.

2d. On attending this morning at the chamber of the Committee of Manufactures, I found there Davis, Dromgoole, Nisbet, and Worthington—just enough to make, with me, a quorum. Absent, Slade, Tillinghast, Mitchell, and Eastman. Davis referred to the entry on the minutes of 17th April of the decision upon my resolution of 26th March. The entry was that my resolution was rejected—four ayes, five nays; whereas the question was upon striking out the words "respecting the protection and encouragement of manufactures, and the internal industry of the country," and the ayes and nays had been taken on the striking out, and were five to four. Considering this as equivalent to a rejection of the resolution, I had so entered the minute. Davis complained that statements had been transmitted to his district, and reproaches against him there, for having voted against the resolution; which, he said,

he had not done. After some discussion, we agreed to meet again Saturday morning; I promised to produce then a statement to be entered on the minute-book, and Davis promised to prepare such a statement as he wished to have entered on the minutes.

In the House, I did at last succeed in obtaining the reception and an order to print my report on the memorial of the American Philosophical Society at Philadelphia. Petriken objected to the resolution for an appropriation; and I said I would not press for its immediate consideration.

4th. Meeting of the Committee of Manufactures. Present, Adams, Davis, Slade, Tillinghast, Dromgoole, Eastman, Mitchell; absent, Nisbet and Worthington. I presented the statement which I had drawn up to be entered on the minutes of the proceedings in the committee on the 17th of April upon the resolution offered by me on the 26th of March. Davis was unwilling that it should appear on the minutes that the rectification of the former entry was made by his desire; but he did not move to strike it out, and it remained. He was unwilling that it should appear *he* had objected to the words "without resort to the expedient of Treasury notes;" he said that Nisbet had made the objection. The name of Davis was accordingly struck out from my statement, and the words "objection was made" inserted in its place.

He then complained that there was any minute entered of yeas and nays, and Dromgoole insisted that the committee had no right to take yeas and nays—nor to keep a journal. Davis made an argument to show why he had voted to strike out the words "relating to the protection of manufactures," and could not see why it should be laid to him and not to Mr. Eastman. He desired, however, that the entry as prepared by me, and now amended, should be made on the minutes; and it was so agreed by the committee.

I then moved that the Chairman be instructed to report a resolution that the prayer of sundry memorials and petitions from Pennsylvania, referred to the committee since the 13th of May, asking a revision of the tariff for the protection of manufactures, is reasonable, and ought to be granted.

Davis enquired whether any of the petitions were from Berks County (his district).

There were not.

Dromgoole said he should oppose this resolution, but there was no time for the discussion this morning.

The House met at ten o'clock. There was a quorum present, and Governor Lincoln renewed a motion which he had made last evening, that private claims for Revolutionary services and pensions should be taken up at eleven o'clock. But a motion was immediately made to adjourn; carried, by yeas and nays—sixty-six to sixty-three. I returned immediately to the chamber of the Committee of Manufactures, and made on the minutes of the committee the entry agreed upon this morning, and a minute of my motion for instructions to report in favor of the tariff memorials from Pennsylvania. This kept me till past one o'clock. Pickens was at the same time writing in the adjoining chamber of the Committee of Foreign Affairs, but left the Capitol before me.

The day was celebrated here, at Alexandria, at Bladensburg, and all over the country, with more intensity than was ever known before. But they were all party celebrations, with none of which I could sympathize.

7th. Pickens, Chairman of the Committee of Foreign Affairs, reported a bill making an appropriation for a survey of the Northeastern boundary; read twice, and referred to the committee of the whole on the state of the Union. He reported also the resolution from the Senate authorizing the acceptance of the Muscat and the Moorish presents, with an amendment authorizing only the disposal of the presents. I opposed this, and spoke until the expiration of the morning hour. Vanderpoel moved to pass to the orders of the day, while I was speaking.

8th. W. Cost Johnson moved that the succeeding day should be given to the business of the District of Columbia, but failed, for want of a majority of two-thirds. The Muscat and Moorish presents were then resumed, and I continued to discourse against both the joint resolution from the Senate and the amendment proposed by the Committee of Foreign Affairs of

this House, until the expiration of the morning hour, without concluding, when George M. Keim called the orders of the day.

The bill to insure the more faithful execution of the laws relating to the collection of duties on imports (commonly called my bill) was received from the Senate, with numerous amendments, and was, at my motion, referred to the Committee of Manufactures; and, as I then inadvertently omitted to move that it should be printed, the Speaker took the Chair immediately after the recess, to enable me to make the motion to print—which I did, and which was agreed to.

9th. Meeting of the Committee of Manufactures. Present, Adams, Dromgoole, Davis, Tillinghast, Slade, Eastman, Mitchell; absent, Nisbet and Worthington. The Revenue bill from the Senate was immediately taken up, and Messrs. Cripps and Maclay, importing merchants at New York, made representations against the passage of the bill, chiefly urging the justice of postponing the commencement of the bill till the 1st of September. This absorbed the time of the committee till the meeting of the House. The committee adjourned till to-morrow morning at nine.

In the House, several members had motions to make and resolutions or petitions to offer, who asked me to indulge them with time for that purpose; but Pickens remonstrated against it, and I was obliged to decline. I spoke about half an hour against the amendment and the resolution. Pickens made a feeble and insignificant reply of about fifteen minutes to my argument of nearly three hours, and closed with calling for the previous question. Cushing asked him to withdraw it, for he had a precedent to produce of authority given by the House to the President of the United States to accept a present from a foreign power. It was a report of W. S. Archer, as Chairman of the Committee of Foreign Affairs, on a medal from the President of the Republic of Colombia. Mark A. Cooper moved to lay the whole subject on the table, as the best way to defeat the resolution; but, at my request, he withdrew the motion. I wished the question to be taken directly by yeas and nays both on the amendment and the resolution; they were so taken, and the amendment was rejected, sixty-eight to eighty-nine, and

the resolution by seventy-five to eighty-seven. Gates and Ogle congratulated me on this signal triumph of pure principle; but I told Gates they would reverse it by a reconsideration before to-morrow night.

10th. Meeting of the Committee of Manufactures. Present, Adams, Dromgoole, Slade, Eastman, Tillinghast, Nisbet, Mitchell, and Davis; absent, Worthington. The committee took up the Revenue bill as it came from the Senate, read through the part of their bill which had been passed by the House, and approved all their amendments to it, with a proposal for a small amendment to the first of them, including a substitute for the ninth section, much more comprehensive, for excluding interested witnesses as incompetent. They also strike out the fifteenth section of the House bill. Mr. Nisbet then moved to report the disagreement to the whole thirteen sections superadded by the Senate—which, after some discussion, he modified to strike out the first of those sections. The hour had elapsed, and the committee agreed to meet again at nine to-morrow morning.

In the House, no sooner was the journal read than Clifford, of Maine, holding in his hand the rejected joint resolution from the Senate, which it was the duty of the Clerk to have taken to the Senate yesterday before noon, moved a reconsideration of the vote by which it was rejected. I enquired why the resolution had not been transmitted yesterday to the Senate; upon which a long debate succeeded. I offered a resolution that the Clerk of the House, by delivering privately to a member a joint resolution of the Senate rejected by the House, had violated his official duty; and I produced section 16 of Jefferson's Manual as authority. It is perfectly explicit.

All the screws of party machinery were now used—motions to lay on the table, previous questions, appeals from the decision of the Chair—until the Administration majority succeeded in smothering all debate, and were panting to reject by yeas and nays my resolution, when, to their great mortification, I withdrew it. Clifford's motion to reconsider was then carried —one hundred and eight to fifty-four. Horace Everett endeavored, in vain, to introduce an amendment. Naylor moved a

reconsideration of the vote yesterday which rejected the amendment proposed by the Committee of Foreign Affairs; lost—seventy to seventy-six—because several members mistook the question. Clifford's amendment striking out the authority to the President to accept, but authorizing him to sell and put the proceeds in the Treasury, was carried—eighty-one to seventy-six, and the honest decision of yesterday was reversed by a smaller number than it was passed, and the resolution was adopted—eighty-two to seventy-two.

11th. The committees were called for reports till the expiration of the morning hour, when the House went into committee of the whole on the state of the Union, George Evans in the chair, upon the Army Appropriation bill. The item of three hundred thousand dollars for the suppression of Indian hostilities in Florida was under consideration. Waddy Thompson, Chairman of the Committee of Military Affairs, insisted that it would not be half enough, and that his bill for raising sixteen hundred men more for the army, and the bill for the armed occupation of Florida, and yet more, would be indispensably necessary to carry on the war in Florida.

Biddle then took the floor, and opposed the appropriation in a speech of nearly three hours, exposing the imbecility and profligacy of the management of this war—concluding with a severe castigation of Van Buren for the base slanders in his Globe against Biddle himself. He was followed by Hiram P. Hunt, of New York, till the recess, and after the recess till six o'clock, still further opposing the mismanagement of the war.

Then came William C. Butler, of Kentucky, who, having been one of General Jackson's aides in the New Orleans campaign of 1814, now burst out for the first time in a panegyric of an hour and a half upon General Jackson, upon the present Administration, upon the army, and all its successive commanders, Gaines, Clinch, Scott, Jessup, Call, Macomb, Taylor, and Armistead, who have succeeded each other, and finished by dismission, resignation, or Court of Enquiry upon their glorious achievements in the war. At the dusk of evening the committee rose, and the House adjourned.

12th. I entered yesterday upon the seventy-fourth year of

my age; and I have now lived as long since the decease of my mother as she had lived when I was born. I am daily sensible of the duty of beginning in earnest to wean myself from the interests and affections of this world, and of preparing myself for my departure to that which is to come; and yet the day of yesterday was so absorbed in worldly business and worldly pleasure that not a moment of it was left for self-admonition or for meditation. The truth is, I adhere to the world, and to all its vanities, from an impulse altogether involuntary, and cannot, by any exercise of my will, realize that I can have but very few days more to live, and that I have nothing better or more urgent to do than to pack up and make ready for my voyage. I might have taken another warning to the same effect, by attendance this morning at the Presbyterian Church, where it was communion day, and where Mr. Wood preached from Luke xxii. 19: "And he took bread, and gave thanks, and brake it, and gave unto them, saying, This is my body which is given for you: this do in remembrance of me." A strictly adapted communion discourse, but not very impressive. The communicants were very few. The members of other churches present were invited to partake; but, as I knew this was not intended to include the members of Unitarian churches, I did not avail myself of the invitation. Mr. Wood invited also the members of other churches present, who might abstain from joining in the communion service, to stay whilst it should be performed; but if any should find that inconvenient, they would have the opportunity of withdrawing while a hymn, which he gave out, should be sung. I accordingly withdrew.

13th. H. R. U. S. Chapman, of Alabama, moves to suspend the rules for a resolution requiring the Judiciary Committee to report forthwith on Lieutenant Hooe's case, who shall, and who shall not, be witnesses on Courts-martial. Call of the House. One hundred and eighty-one members answered. For suspension of the rules, one hundred and ten to sixty-six —not two-thirds; but these one hundred and ten were ready for a law to exclude all colored men from giving testimony on Courts-martial. The whole Kinderhook phalanx, and all the Southern Whigs, would have voted for it.

Committee of the whole on the state of the Union, Evans in the chair, on the Army Appropriation bill. Amendment of three hundred thousand dollars for suppressing Indian hostilities, including arrearages from 1836 to 1839. Graves, two hours and a half in reply to the speech of Butler, of Kentucky, last Saturday; followed by John Downing, the delegate from Florida, till the recess. After the recess, Downing resumed a Whig invective of two hours against the Van Buren Administration, especially for the mismanagement of the Florida War. Underwood, of Kentucky, followed till the dusk of evening, chiefly in defence of Jessup and the use of the bloodhounds. About eight o'clock, the members having dropped as usual till there was no quorum, the committee rose, and the House adjourned.

14th. Reuben Chapman, of Somerville, Morgan County, Alabama, moved a suspension for a resolution instructing the Judiciary Committee to report a bill prohibiting the enlistment of negroes or colored persons in the army or navy of the United States. Stanly, Botts, and Proffit asked to be excused from voting on this motion to suspend—each for reasons assigned; all refused. Stanly claimed to have his reasons entered on the journal; refused.

Rules suspended. Committee of the whole on the state of the Union, Evans in the chair. Army Appropriation bill. Amendment, three hundred thousand dollars for the suppression of Indian hostilities in Florida. Some remarks of explanation, concerning proceedings of the Committee on Military Affairs, between Gouverneur Kemble, Waddy Thompson, and James Monroe. Then James J. McKay spoke about two hours, in justification of himself and in reply to Stanly, upon the increase of the army from six thousand to twelve thousand five hundred and ten men, and especially the increase of July, 1838—reported and supported by McKay, then Chairman of the Military Committee.

I took the floor at a quarter-before two, and spoke till the recess, which I passed in the chamber of the Committee of Manufactures, examining George M. Keim's Militia Committee Standing Army report. At four P.M. I resumed, and spoke till

eight against the increase of the army, the Sixteen Hundred Men bill, the Armed Occupation bill, the Secretary of War's Standing Army Militia project, and Keim's absurd and profligate Militia Committee report. Fahrenheit at 90. I closed thoroughly exhausted. There was a quorum, and a motion to adjourn, which failed. J. M. Botts followed. I left him speaking, and it was half-past eleven when the House adjourned.

15th. Stanly moves to amend the journal by inserting the reasons which he offered yesterday for asking to be excused from voting on Chapman's motion to suspend the rules for a resolution instructing the Judiciary Committee to report forthwith a bill prohibiting the employment of negroes or colored men in the army or navy. Dromgoole remonstrated. Banks moved a call of the House; refused. Yeas, twenty-three, nays, one hundred and two, against amending the journal; but Stanly's reasons are entered upon it.

Motion to suspend the rules for a report on the abuse of the franking privilege; and another to take up the amendments of the Senate to the Mileage bill; both lost.

Committee of the whole on the state of the Union, Evans in the chair, on the Army Appropriation bill, and the amendment of three hundred thousand dollars for the suppression of Indian hostilities in Florida. Wise made a speech of three hours on the Florida War, chiefly in reply to Butler, of Kentucky, who had pretended that it was an abolition war. Wise charged that it was a kidnapper war. He quoted the Sportsman's Calendar, volume 2, and Somervile's Chase, upon the bloodhounds.

Keim followed for about half an hour in reply to me; brings in Cicero's Offices to prove that "cedant arma togæ" is good Latin; and, straining to be very bitter in retaliation upon me, quotes my lectures on Rhetoric, and Dermot McMorrogh, till the recess.

In the chamber of the Committee of Manufactures, I had some conversation with Messrs. Wasson and Cairnes, and another person, from the Custom-House at New York.

Before returning to the House, I borrowed in the library a

volume of the Delphin Cicero, containing the Second Philippic, and a volume of Foote's Works, containing The Mayor of Garratt. Keim soon finished his retaliatory, and I replied, occupying not more than ten minutes, partly by reading the scene in The Mayor of Garratt where Major Sturgeon proves his scholarship by the quotation, "Cedant arma togæ," with which, I observed, the Chairman of the Militia Committee might draw his parallel.[1]

16th. Obliged to go to meet the Committee of Manufactures at eight A.M. Present, Adams, Nisbet, Dromgoole, Davis, Tillinghast, Slade, Worthington, and Mitchell; absent, Eastman. The committee concluded the examination of the amended bill from the Senate, and authorized the Chairman to report it, with amendments, to the House.

H. R. U. S. John Campbell, Chairman of the Committee of Elections, produced a report concluding with a resolution that the five members already palmed upon the House are entitled to their seats as members from New Jersey. He first moved a suspension of the rules to present the report—yeas and nays, one hundred and fourteen to sixty-four; not two-thirds. He then claimed to present it as a privileged case. The Speaker decided that it was not a case of privilege. The House reversed his decision, and the report was received. A minority report, signed by four members of the committee, was presented by Fillmore. Proffit insisted that both reports should be read—which consumed the time till the recess, and more. After the recess, while the quorum was forming, I presented the report of the Revenue bill, with the amendments, which were ordered to be printed, from the Committee of Manufactures. Campbell had moved the printing of the majority and minority reports on the

[1] These speeches are merely referred to in the Congressional Globe. The passage in "The Mayor of Garratt" is as follows: its application can only be conjectured.

"*Major Sturgeon.*—Farewell to the plumed steeds and neighing troops, as the black man says in the play; like the Roman censurer, I shall return to my Savine fields, and there cultivate cabbages.

"*Sir Jacob Jollup.*—Under the shade of your laurels.

"*Major Stur.*—I have done with the Major, and now return to the Magistrate; *Cedunt arma Togge.*"

New Jersey elections and the journal of the committee, and had called the previous question; but on hearing the minority report read, which reflected with great justice and severity upon the profligate proceedings of the majority, he modified his motion to print, leaving out the minority report, and still insisting upon the previous question. This dirty trick produced a burst of indignation from the Whigs, upon Whigs, and Campbell covered the cheat, by playing the bully to cover the cheat. The yeas and nays were taken several times—on printing the majority report, the journal, and the minority report. They were all carried—the last by a meagre majority. Campbell had moved to make the majority report the order of the day for next Monday, but Jameson, of Missouri, a savage in temper, in looks, and, I have no doubt, in blood, moved to adopt the resolution, declaring the five spurious members entitled to the seats, and demanded the previous question. It was carried, and the resolution itself, without hearing evidence, or parties, by a vote of one hundred and two to twenty-two; only two more than a quorum, about seventy members present withholding their votes. Never was a cause lost by more dastardly submission than that of the voting Whigs in this case; and they alone are responsible for the consummation of this villainy.

17th. H. R. U. S. Sundry motions to amend the journals of yesterday and the day before, which occasioned much altercation. The motions to amend were all rejected by the House, but were entered upon the journal. Campbell, Chairman of the Committee of Elections, reported, as a case of privilege, in favor of the election of Osmyn Baker for the Sixth Congressional District of Massachusetts. Unanimous; the petitioners against him never produced a particle of evidence to sustain their petition.

Report of a majority of the committee in favor of Charles Naylor for the Third Congressional District of Pennsylvania. Minority report in favor of Charles J. Ingersoll. Reports and testimony laid on the table, and ordered. Petriken moved an amendment to the resolution of the majority report declaring Naylor duly elected, to strike out his name and insert that

of Ingersoll. Campbell said he would call up the reports to-morrow.

Graham, of North Carolina, made a personal explanation to expose a forgery of his frank, to send into his district budgets of one of the speeches of Alexander Duncan.

Committee of the whole on the state of the Union, George C. Dromgoole, drunk, in the chair. Indian Appropriation bill. Bell opposes an item of appropriation for the removal of the Winnebago Indians. Everett, John W. Jones, Crary, Bell, till the recess; after the recess George W. Hopkins was in the chair instead of Dromgoole. A statement from the Secretary of the Treasury, dated 1st July, 1840, and not presented by the Chairman of the Committee of Ways and Means to the House till the 15th, was this day first laid printed on the tables of the members, avowing a deficit of four and a half millions of dollars. Seneca Tribe Treaty not produced. D. D. Barnard. I left the House at ten P.M., Charles Shepard then speaking.

18th. The item of appropriation for the execution of the spurious and fraudulent treaty with the Seneca (Tribe), without any communication by the President of the treaty itself to the House, occasioned a warm debate last evening between John W. Jones and Vanderpoel, the minion, on one side, and Barnard, J. Q. Adams, R. Garland, Biddle, and Evans. Jones, Chairman of the Committee of Ways and Means, did not know that the communication of the treaty was necessary. It was not necessary to this House. A bill came from the Senate to authorize the President to raise thirty-five hundred volunteers for two years to serve in Florida. Upwards of fifty private bills, which had passed through the House, came back from the Senate rejected in a batch.

19th. Last evening there was a sharp debate on the deficit in the revenue, and the means of providing for it. Preparations for quitting 3d March, 1841. Power given to P. U. S. to postpone payments at his discretion. Sauve qui peut. Clifford was in the chair of the committee of the whole, and Briggs quasi Speaker. Vanderpoel, the minion, gone. D. D. Barnard was followed by Proffit—violent denunciation of Van

Buren. I left Thomas Smith, of Indiana, answering his colleague, and the House adjourned at midnight.

This morning I attended public worship in the hall of the House of Representatives. Mr. Cookman preached from Ecclesiastes ix. 11: "I returned, and saw under the sun, that the race is not to the swift, nor the battle to the strong, neither yet bread to the wise, nor yet riches to men of understanding, nor yet favor to men of skill; but time and chance happeneth to them all." A valedictory discourse specially addressed to the members of Congress, not more than ten or twelve of whom were present. I was belated, and he was just beginning his sermon when I entered the hall. The text was well chosen, and the discourse well suited to soften animosities and assuage mortifications. Indeed the race has not been, during this session, to the swift, nor the battle to the strong. The most important and the worst measures of the Administration have been carried through the House by the most contemptible men in it. Mr. Cookman illustrated his text by many references to historical Scriptural events. The discomfiture and destruction of Pharaoh; the death of Abimelech—slain by a tile cast from the hand of a woman; that of Goliath, by the pebble from the sling of the stripling, David; the crumbling to atoms of the walls of Jericho at the blast of the rams' horns blown by the priests; and the hanging of Haman upon the gallows, fifty feet high, which he had erected for Mordecai the Jew—were all adduced as examples that the battle is not always to the strong. But the chief exhortation of the preacher was to mutual forbearance and forgiveness, of which there is great need and little hope.

20th. I attended at the chamber of the Committee of Manufactures; but no other member of the committee was there.

H. R. U. S. Ramsey moved to suspend the rules for a resolution to pay the Clerk and officers of the House two months' extra pay, and other gratuities, as the Senate have done with their officers; and called the previous question. This was the Clerk's "premium pudicitiæ," or price of prostitution; but it was rejected—thirty-eight to one hundred and forty-one. Toland moves a reconsideration for the gratuities, but leaving out the Clerk; but Cave Johnson moves to lay the whole on

the table; carried—ninety-one to sixty-two. Senate's amendments to the Navy Appropriation bill. The Senate insist on their appropriation for the Apalachicola Bay, pilfered from the Coast Survey. Evans moves to insist and ask a conference. I move to adhere and let the Senate ask a conference. Jameson, the half-breed, moves to recede, and the previous question. House refuse to recede—eighty-nine to ninety-one. I withdrew my motion to adhere; the House insisted, and asked a conference. Jones moved that the committee of the whole on the state of the Union be discharged from the consideration of the Senate's amendments to the Army Appropriation bill at half-past two o'clock; carried—one hundred and twenty to forty-four; and to take them up in the House at four P.M.; carried—one hundred and eleven to eighty-one; yeas and nays refused; rules suspended.

Committee of the whole on the state of the Union, Clifford in the chair, on the Senate's amendments to the Army Appropriation bill. Amendments debated. Stanly's visit to the Treasury. His conversation with the Secretary. Called to order. Appeals from the Speaker's decision. Debates, and withdraws his appeal. Bell, Wise, Cushing, Tillinghast, Garret Davis, against giving the postponing power to the President. Barnard. W. B. Calhoun moves to except the works at the Springfield and Harper's Ferry armories—thirty-three to sixty-four; no quorum. Evening session. Army bill taken up in the House. Outfit to Constantinople rejected. Misappropriation of the Coast Survey fund rejected. Conference and agreement. Supplementary joint resolution from the Senate relating to the District Banks law.

Committee of the whole on the state of the Union, Underwood in the chair, upon the West Point Academy Appropriation bill. Amendment proposed by Curtis about the pay of Custom-House officers; not in order. Christopher H. Williams, a Tennessee Whig, starts a snappish and growling debate against the West Point Academy. After two hours of snarling, the previous question was called and carried, and the bill passed. Postponing power granted to the President till the 3d day of March, 1841. Albert Smith attacks the Bank of the

United States. Cooper. John W. Jones. Evans. Grinnell. Fortification bill passed. Some time after midnight, adjourned, by yeas and nays—seventy-nine to sixty-three. Walk home.

21st. Close of the first session of the Twenty-Sixth Congress. H. R. U. S. met at ten A.M.; large quorum. I moved that the Committee of Manufactures should be discharged from the further consideration of all matters referred to them and upon which they have not reported. Call from various quarters for the same motion in behalf of all the committees. Changed for a call on the committees to report. Nevertheless, the general order of discharge was entered upon the journal. The Committee on Indian Affairs did make a report. Motion that it should be printed. Cave Johnson objects, on the pretence that the House knew not the contents of the report, but in reality out of mere spite against Bell, Chairman of the Committee of Indian Affairs, the reporter. The motion to print was taken by yeas and nays, and, not obtaining a vote of two-thirds, was lost, and the report was laid on the table.

Orders of the day. I called up, out of turn, the resolution which passed the Senate yesterday for paying arrears to the workmen on the Treasury building from March till May last, while their labor was suspended by the Commissioner of Public Buildings, because he had neither money nor credit to pay them. John W. Davis, of Indiana, objected; upon which I moved a suspension of the rules, and stated the hardships of the case of the workmen, and the equity of their claim—deprived of their occupation not by their own will, but by the Commissioner of the Public Buildings himself. Davis withdrew his objection. I moved an amendment to include the workmen on the Patent Building, carelessly omitted in the resolution from the Senate; carried without opposition. Resolution passed, and the Senate immediately concurred in the amendment. Charles Fisher, of North Carolina, said, as this was completed, "That is a good work done;" and one of the workmen in the outer passage-way thanked me for giving them a lift. This was the last I heard of it.

Orders of the day again. Committee of the whole on the state of the Union, Briggs in the chair. Fortification bill.

Suspension of the seventeenth joint rule, that no bill shall be sent to the President on the last day of the session. One hour, the last of the session, allowed for the consideration of bills relating to the Territories. The omnibus bill was in the mean time passed. At one P.M. committee of the whole on the Territorial bills, Casey in the chair. The first bill taken up was that to raise sixteen hundred men additional to the army to suppress Indian hostilities in Florida. Objection made that it was not a Territorial bill. Casey so decided, and, upon appeal, his decision was sustained by the committee. Several Territorial bills passed the committee; but when the Speaker resumed the chair the closing messages to the Senate and the President passed, and when two o'clock came, while the yeas and nays were being called on a Territorial bill, the Speaker declared the House adjourned to the first Monday in December next.

25th. I finished the day in drudgery to assort and file my papers. I have hundreds of letters unanswered, and not even duly filed; loose public documents and pamphlets and newspapers innumerable. I am packing up four large boxes of them and of books to send by water round to Boston—which is another grievous trouble. At least forty-nine-fiftieths of my unanswered letters are from total strangers, and utterly worthless—multitudes of applications to attend public meetings, and to deliver orations, addresses, lectures to lyceums, literary societies, and political gatherings of the people. Household cares are superadded, more and more burdensome with the advance of years. Anxieties for the journey, for the return home, and for those I am to leave behind, an hourly-reminded and daily-deepening consciousness of decay in body and mind, an unquenchable thirst for repose, yet a motive for clinging to public life till the last of my political friends shall cast me off—all this constitutes my present condition. These are my cares and sorrows; but with them I have numberless blessings, for which I cease not to be grateful to the Author of all good, and I have the cheering hope of a better world beyond the grave.

The late session of Congress has been painful to me beyond all former experience, by the demonstration which it has given

of degenerating institutions. Parties are falling into profligate factions. I have seen this before; but the worst symptom now is the change in the manners of the people. The continuance of the present Administration will, if accomplished, open wide all the flood-gates of corruption. Will a change produce reform? Pause and ponder! Slavery, the Indians, the public lands, the collection and disbursement of public moneys, the tariff, and foreign affairs: what is to become of them?

26th. I went to the Presbyterian Church, where, after waiting some time for the preacher, Mr. McLellan informed the congregation that Mr. Wood was absent from the city, but had told him he would engage a person, Dr. Chapin, President of the Columbia College, to supply the pulpit. It was past eleven, and Dr. Chapin did not appear. After waiting five minutes longer, I left the church, and went to the Methodist Foundry Chapel, where the pews were all as crowded as they could hold, with decent, respectable, well-dressed people, men, women, and children, not one of whom I personally knew. They politely gave me a chair at the corner of the aisle, at the left hand of the pews fronting the pulpit. There was not a spare seat in the pews.

There were two ministers in the pulpit. One of them, Mr. Thornton, preached from Isaiah lv. 6: "Seek ye the Lord while he may be found, call ye upon him while he is near." He said he had been greatly perplexed this morning to fix upon a text from which he should discourse this day; that he had at home at least five hundred sketches for sermons which he had prepared, and one hundred and fifty of which he had never preached anywhere. He could not find among them one which suited him for this day. But he had often of late thought of giving notice a week beforehand that he would on the next Sabbath address a discourse especially to the young; instead of which, he would perform that duty now. And he particularly asked the special attention of the young. He subsequently addressed separately and in succession the old and the middle-aged, as well as the young; and his exhortations to them to seek the Lord while he may be found, and to call upon him while he is near, were equally urgent, appropriate, and pathetic.

Mr. Thornton is not very eloquent; but he drew from me many tears. But his definition of seeking and calling upon the Lord was "religion"—the species defined by the genus. Religion! What religion? The inherent defect of all Calvinistic preaching is practical application. Oliver Cromwell said, when they thought he was seeking the Lord he was only seeking a corkscrew. The duties of man to God are worship, reverence, gratitude, submission, and resignation, all in sentiment—prayer and praise in action; which the vilest as well as the worthiest can and do perform. I believe the only acceptable obedience to God consists in Justice, Charity, and Mercy to man.

27th. I called in at the office of the Secretary of the Navy, and had some conversation with him respecting the wretchedly dilapidated Navy Pension Fund. He had seen the resolutions which I offered to the House on this subject, and which they refused to receive. He complained that they had equally disregarded his own reports, and even a special message of the President recommending an appropriation of fifty thousand dollars to pay the pensions due on the 1st of this month. I told Mr. Paulding that I doubted the authority of the Department to sell at a discount State bonds purchased at or above par. He said he had been forced to do it, or to stop the payment of the pensions, which would have excited a great clamor. I said that would have compelled Congress to provide for the payment. I told him, further, that it was my purpose to resume the subject at the ensuing session of Congress.

I called on the Secretary of War, and condoled with him on the loss of the appropriation for magnetic and meteorological observations. He said there was a good article on the subject in the English Quarterly Review for June.

I condoled with the Secretary of the Treasury on the loss of the Revenue bill. These gentlemen all have the appearance of being ill at ease.

28th. At the Clerk's office of the House of Representatives, where I left directions to have forwarded to me the remaining sheets of the House journal yet to be printed, and the returns of commerce and navigation to September, 1839. Mr. Burch was much perplexed what to do with the papers of the case of

Lieutenant Hooe's Court-martial. Their proceedings were referred to the Committee on the Judiciary, to report the existing law and what shall be done. On the last day of the session, Sergeant, Chairman of the Judiciary Committee, sent to the Clerk's table, under a general order, a resolution that the committee be discharged from the further consideration of the subject, and a minority report, signed by Green B. Samuel, of Virginia, Isaac E. Crary, of Michigan, and Hopkins L. Turney, of Tennessee, expressly stating their full conviction, after examination, that by the existing law the testimony of colored persons must be received; and with the report a resolution that the papers be recommitted, with instructions to report an amendatory law either prohibiting the employment of colored persons in the navy or rendering them incompetent to bear testimony.

Burch was doubtful how these papers should be entered on the journal, and wrote to Sergeant for advice. He received Sergeant's answer this morning, and read it to me. He says he was told by a member of the committee, he believes correctly, that there was a motion to reconsider. He therefore declines advising; and Burch said he must write to Mr. Garland, the Clerk. I desired him to ask a copy of the papers for me, and to demand that they be entered on the journal.

29th. Mr. John Bell, of Tennessee, visited us, with whom I had a long conversation upon the prospects of the Presidential election. We agreed that the present appearances were favorable, though by no means certain, for a change; but I asked Mr. Bell what were the expectations beyond the change, and found him quite unprepared to answer. He knew not who would compose the Cabinet of General Harrison, and was not disposed to bestow much confidence in advance upon whoever it might be. I told him that, at all events, he must be the Speaker of the House of Representatives; and he confessed that it would be the summit of his ambition.

QUINCY, *August* 2d.—Communion day at meeting. Mr. Lunt preached his morning sermon from Acts xvii. 21: "For all the Athenians and strangers which were there spent their time in nothing else but either to tell or to hear of some new

thing." It is the doom of the Christian Church to be always distracted with controversy, and where religion is most in honor, there the perversity of the human heart breeds the sharpest conflicts of the brain. The sentiment of religion is at this time, perhaps, more potent and prevailing in New England than in any other portion of the Christian world. For many years since the establishment of the theological school at Andover, the Calvinists and Unitarians have been battling with each other upon the Atonement, the Divinity of Jesus Christ, and the Trinity. This has now very much subsided; but other wandering of minds takes the place of that, and equally lets the wolf into the fold. A young man, named Ralph Waldo Emerson, a son of my once-loved friend William Emerson, and a class-mate of my lamented son George, after failing in the every-day avocations of a Unitarian preacher and schoolmaster, starts a new doctrine of transcendentalism, declares all the old revelations superannuated and worn out, and announces the approach of new revelations and prophecies. Garrison and the non-resistant abolitionists, Brownson and the Marat democrats, phrenology and animal magnetism, all come in, furnishing each some plausible rascality as an ingredient for the bubbling cauldron of religion and politics. Pearce Cranch, ex ephebis, preached here last week, and gave out quite a stream of transcendentalism, most unexpectedly. Mr. Lunt's discourse this morning was intended to counteract the effect of these wild and visionary phantasies, and he spoke with just severity of the application of this spirit of hurly-burly innovation to the most important and solemn duties of the Christian faith. He treated the subject but in part, and promised to discourse further upon it hereafter. Mr. Lunt's opinions favor a compromise between the past and the future, disapproving alike the obstinate and bigoted adherence to establishments and dogmas merely because they are old, and the restless and reckless pursuit of mere innovation.

12th. Afternoon visit from Mr. and Mrs. Cruft. They are leading a strolling life by the indulgence of a propensity which has swayed him many years, and which he has communicated to her. With a numerous family of children, they find nothing

that attaches them to home. *Sweet* home is unintelligible to them. Home to them is bitter, sour, vapid, anything but sweet. And so it is to great multitudes of our people in this country —perhaps to the wealthy throughout the world. The facilities and rapidity of modern travel give great additional impulse to this propensity. Home is an English word for which there is in the French language no corresponding term. Perhaps there is no stronger indication of national character than in words of peculiar significancy in the language spoken by them. The compound association of ideas in the English word "home" consists of elements which form the choicest and purest enjoyments of human life. The word "home" carries us back to the place of our birth, to the tenderness and anxious solicitude of a mother's love, to the care bestowed upon us in childhood, to the affectionate kindness of family relations, of friends and neighbors. It is the place of conjugal, parental, filial, and fraternal endearments—the place where alone we can possess and exercise the practical blessings of freedom. The French language has no word including all these sentiments. They have a favorite popular song expressing them all in its first line— "Où peut-on être mieux qu'au sein de sa famille?" All this is embraced in the single word "home." It is a great but very common misfortune of the wealthy to lose the relish for these enjoyments; which may be the result of sickness, of family discord, of casualties incident to the condition of human existence, and, perhaps more than all, of *ennui*. The best prevention to this last locomotive is literature. One of the most useful properties of the love of reading is the ligament which it adds to the ties which attach us to home. Profound study can be nowhere else pursued. The vulgar adage, that a rolling stone gathers no moss, is pre-eminently true of intellectual culture. Travellers may collect facts and accumulate observations; but travellers to escape from ennui, essentially indolent, cannot abide the labor of collecting, arranging, and committing to writing useful information.

13th. The Boston papers, Courier, Daily Advertiser, and Atlas, are now filled with election returns from North Carolina, Kentucky, Indiana, and Alabama—all for the State Govern-

ments, and all hitherto more or less favorable to the Whigs, as the opposition to the present Administration of the General Government call themselves. The imposture of Jackson and Van Buren Democracy would seem to be drawing to its catastrophe; and yet falsehood, injustice, and wrong are permitted by Divine Providence to have such sweeping sway over the affairs of men that I scarcely dare indulge the hope that the day of retribution will come, even when it seems to approach. Twelve years I have submitted almost in silence to the foulest and basest aspersions upon myself, my Administration, and my father, of which Jackson took the lead by denouncing me in his inaugural speech, while at the same time the remnants of the old Hamilton federalists assailed me with a furious onset here in my native Commonwealth. It would have been a waste of time and toil to have attempted my defence hitherto. The public ear was not open to me, and I have lived, slumbering, under a cloud. Is the time arriving for me to speak? or must I go down to the grave and leave posterity to do justice to my father and to me? In humble submission I prostrate myself before the footstool of God, and implore the aid of his Spirit to nerve my will and to prescribe my path.

15th. Thomas Adams, Jr., came this morning, and, speaking of the proposed picnic Whig lady party to be held here on the 3d of next month, asked me if I would write to Ogden Hoffman and Sergeant S. Prentiss and invite their attendance to make speeches. I observed that, having, from various considerations peculiarly applicable to myself, felt it an obligation of duty to abstain from giving my attendance at any public meeting during the pendency of the Presidential election, I considered it as a necessary consequence that I ought not to take any part in the formation of such meetings, as there would be an obvious inconsistency in my giving invitations to others to attend meetings which I do not attend myself.

He said Mr. Prentiss was now on a visit to his relations in the State of Maine, and was to address a public meeting at Portland next Tuesday. He had some thoughts of going down to Portland on Monday, to hear him, and to invite him to come to the picnic; and he asked me if in case he should conclude

to go I would give him a letter to Mr. Prentiss—which I promised I would.

I had next a morning visit from Mr. Lunt, and a long conversation with him, or rather a talk, for it was almost entirely on my side. I spoke of the pernicious doctrines promulgated with so much perverse zeal and mischievous pertinacity at this time, and connected with the politics of the day. He mentioned the collection which he had given notice last Sunday would be taken up to-morrow in aid of the funds of the Theological Institution at Cambridge, and said that Mr. Whitney and he had thought this was the best mode of proposing a contribution for that object to the members of the religious society here. But he was apprehensive that some prejudice against the appropriation had arisen from the fact that Mr. Emerson's transcendentalism had been first broached there.

I said I had no doubt it was so, and that I must acknowledge my share of that prejudice. He said some of the professors of that institution were among the most strenuous and vehement opponents of the transcendental school, and had even written against it. He further said he had lately been on a visit to Plymouth, where he had heard enquiry made whether I should be a candidate for re-election as a member of the House of Representatives of the United States, and some suggestion of an intention to address the enquiry to me.

I said it was perhaps high time for me to retire definitively from all public life, and I was receiving daily admonitions of the fact, from the continual erosions of time and from the casualties of chance; but, having as yet received none from my constituents, I thought I should leave to them the determination whether I should represent them two years longer in the councils of the nation, or bid adieu to the service of my country at the close of the present Congress.

18th. Afternoon visits from Mr. William Minot and Charles P. Curtis. There has been for two or three years a project for a general association of the graduates of Harvard University, to hold annual meetings the day before Commencement, intentionally as a substitute for the meetings and literary exercises of the Phi Beta Kappa Society the day after Commence-

ment. The day before the last Commencement there was a meeting of the Alumni, at which a committee of five were appointed to prepare, and report at the day before the ensuing Commencement, a plan for such a general association. Mr. Minot and Mr. Curtis are members of that committee, and came to enquire if I would consent to be put in nomination for the office of President of the Society. I felt myself honored by the proposal, and said I had only two objections against it —one, the consciousness of my inefficiency for the office, and the other, a warm regard for the Phi Beta Kappa Society, and an aversion to join in any measure which would seem to have a bearing of hostility to them.

They said that the members of the Phi Beta Kappa Society had themselves originated the proposal of the general association, and almost universally favored it. Mr. Curtis read to me the report to be made, including a Constitution for the new Society. A president, vice-president, and seven directors are proposed for the organization of the Society. Judge Story and Edward Everett are proposed for vice-presidents. I consented to place my name at their disposal.

20th. On returning home, I found at our door Mr. Solomon Lincoln, of Hingham, and Mr. Fearing, originally of Hingham but now of Boston. Mr. Lincoln enquired whether I should be a candidate for re-election, and whether I proposed to attend any of the public meetings in the district preparatory to the November elections.

I said I did not intend to be present at any of the public meetings, and that whether I should be a candidate for re-election or not would depend upon the people of the district themselves. I should not offer myself; nor should I decline, especially as, for the first time since I have represented the district, a formal and avowed opposition to my re-election was announced.

He then enquired if I proposed to address the people of the district through the newspapers, as I have heretofore done. I said I thought I should.

23d. Mr. Lunt preached this morning from 2 Timothy ii. 5: "And if a man also strive for masteries, yet is he not crowned except he strive lawfully." This was his third discourse against

the new, or old vamped-up, transcendental doctrines. He waxes warm as he proceeds, and gave this day a broadside at Carlyle, without naming him, for having, in his History of the French Revolution, dressed up the character of Mirabeau into a pattern of patriotism. The deadly sophistry of the transcendental school consists in the alliance of atheism with hypocrisy. The characteristic of the age is to unsettle all established opinions, and to put into perpetual question all the foundations of human society. We are to argue pro and con whether parricide be a crime or a virtue; whether property be by the law of nature or the mere creature of conventional law; whether the contract of marriage constitutes an obligation of duty restrictive of promiscuous social intercourse; in short, whether justice or force is at the root of all human institutions. In the process of this argument the transcendentals not only dig up the corner-stones of human society, but pronounce them decayed, rotten, and worthless. The dregs and the froth of the cauldron are boiled up into one impure and poisonous compound and administered to the body politic for healing medicine. Religion is sapped and undermined by this fraudulent philosophy; the laboring classes are instigated to hatred and violence against the proprietors; and the elements of a civil war of extermination are stimulated into deadly conflict with one another. Mr. Lunt has not yet finished with this subject, but will discourse upon it again.

I read two sermons of Barrow—the second upon quietness and doing our own business, and the first upon the love of God. The following extract is from the discourse on quietness: "Especially, we should not make ourselves parties in any faction where both sides are eager and passionate, for then even they who have the juster cause are wont to do unjust things in which it is hard for any man engaged not to have share—at least not to undergo the imputation of them. It is wisdom, therefore, in such cases, to hold off, and to retain a kind of indifferency; to meddle with them is (as the Wise Man saith) to take a dog by the ears; which he that doth, can hardly take care enough of his fingers."

What a seasonable admonition to me!

26th. I dined this day with my son, and was conversing with

him after dinner upon Plautus and his translators, French and English, when Mr. E. Price Greenleaf came in, with a copy of a resolution which he said had been adopted at a large Whig meeting, that a committee be appointed to wait on me and inform me that it is the wish of the Whigs of Quincy to invite the Whigs of the Twelfth Congressional District in particular, and the electors generally, to meet with them in Quincy on an appointed day, agreeable to me, to pay their respects to me and request me to favor them with an address on the present state of the country, the present Administration of the National Government, and the prospects of the Whig party.

I told Mr. Greenleaf that I was greatly obliged to the Whigs of the town for their kind proposal, and especially for the personal accommodation to me intended by calling the meeting here; but that I had already declined attending at a similar meeting, to which I had been invited, to be held at Rochester, in the county of Plymouth, and at many others out of the district. I stated the reasons which had induced me to decline attendance at all the recent meetings, considering it a duty resulting from my peculiar situation, and desired him to make them known to the Whigs of Quincy, and suggest to them the wish that they would receive this informal answer, rather than, by sending a formal committee, cause the necessity for a written answer from me for publication of my reasons—some of which were rather to be felt than argued.

He said he would satisfy the Whigs entirely with my answer.

29th. Mr. Thomas P. Beal alighted from the Plymouth stage, and spent an hour with me under great political excitement. The whole country throughout the Union is in a state of agitation upon the approaching Presidential election such as was never before witnessed. From the organization of the Government under the present Constitution of the United States, the nominations of candidates for the office of President were made in caucus Conventions by members of Congress, and by the members of the State Legislatures. The Congressional caucus nomination of 1824 was in favor of William H. Crawford, and signally failed. The State Legislature nominations produced only cross-purposes, and have been superseded by party popular

Conventions, increasing in numbers, till that of last May, at Baltimore, of the young men, to confirm the nomination of W. H. Harrison, made before by a select caucus Convention, at Harrisburg, Pennsylvania, last December, amounted, it was said, to twenty thousand delegates. This has been followed by numerous assemblages in all the States where the opposition is in any strength, and not a week has passed within the last four months without a convocation of thousands of people to hear inflammatory harangues against Martin Van Buren and his Administration, by Henry Clay, Daniel Webster, and all the principal opposition orators in or out of Congress. I received earnest invitations to attend these meetings, and address the people, at Nashville Tennessee, Chillicothe Ohio, Wheeling Virginia, Baltimore, Alexandria, Georgetown, and many other places, all of which I declined, both from general principles and from considerations specially and peculiarly applicable to myself. One of these assemblies was held yesterday by a public dinner given to Caleb Cushing by some of his constituents at Newburyport, and a ball in the evening by him to them. I was invited also there, but did not attend. Mr. Webster and Mr. Saltonstall were there, and a stump-speech scaffold, and, it is said, a procession of six thousand people or more, and a dinner of eighteen hundred. Here is a revolution in the habits and manners of the people. Where will it end? These are party movements, and must in the natural progress of things become antagonistical. These meetings cannot be multiplied in numbers and frequency without resulting in yet deeper tragedies. Their manifest tendency is to civil war.

September 24th. Charles attended a meeting of the Democratic party this evening, at which George Bancroft, Collector of the Customs at Boston, Superintendent of Light-Houses within the Commonwealth, and Commissioner for building a Custom-House at Boston, delivered an electioneering Democratic address. This practice of itinerant speech-making has suddenly broken forth in this country to a fearful extent. Electioneering for the Presidency has spread its contagion to the President himself, to his now only competitor, to his immediate predecessor, to one at least of his Cabinet councillors, the

Secretary of War, to the ex-candidates Henry Clay and Daniel Webster, and to many of the most distinguished members of both Houses of Congress. Immense assemblages of the people are held—of twenty, thirty, fifty thousand souls—where the first orators of the nation address the multitude, not one in ten of whom can hear them, on the most exciting topics of the day. As yet, the parties call and hold these meetings separately, and seldom interfere with each other. But at the Baltimore Convention last May, one of the marshals of the procession, a respectable mechanic of the city, was killed by an attempt of individuals of the opposite party to break it up. At a meeting, a few days since, on Long Island, Mr. Webster, in a speech of two hours and a half, observed that there was to be held a meeting of the opposite party—another great meeting—at the same place the next day; and he gave what was equivalent to a challenge to Silas Wright and all the Administration leaders to meet him on the stump. A hand-bill was this day circulated in this town, severely reflecting on Mr. Bancroft for coming to deliver this address. Charles says that at Medford there has already been hostile collision between the parties; and the tendency of all this, undoubtedly, is to the corruption of the popular elections, both by violence and fraud. Charles came in after hearing Mr. Bancroft's address, which was delivered at the Universalist meeting-house.

25th. Among my remarks during my excursion[1] was the contrast between the excessive election excitement which we left behind us at Boston and found again blazing out on the very day of our entrance into the State of Maine, and the calm and almost lethargic condition of the British Provinces. The British Government makes itself felt there only by its favors—levies no taxes, pays nearly all the charges of Government, keeps an army at great cost, and a considerable naval force, for the protection and defence of the country, and humors the people in everything. They have also made excellent

[1] The Cunard line of steamers had just been established. A small party had been made up, for Mr. Adams, to go in the Acadia on her first returning trip as far as Halifax, and from thence to come home through the British Provinces and the State of Maine.

roads through the forests of Nova Scotia, and are now doing the same in New Brunswick. No Government upon earth, probably, so assiduously labors to make itself acceptable to the people under its rule as these colonial authorities. There are, however, representative Assemblies in both provinces, and in each a Legislative and an Executive Council. Their provincial Parliaments were, like the House of Commons at home, elected for seven years; but that of Nova Scotia is already reduced to four, and they are expecting the same alteration in New Brunswick. There is in Nova Scotia, however, a sharp and sturdy opposition in the House of Assembly, and that body last year passed a vote of censure upon Sir Colin Campbell, the King's Governor. The British Privy Council fully approved the measures censured by the Assembly, but they recalled Sir Colin, and since we were there Lord Falkland has arrived, in the steamer Britannia, at Halifax, and has taken his place. This is a very convenient mode of adjusting dissensions between the Legislative and Executive authorities. An election for a new House of Assembly is now about to take place, and the prospect was of a large majority to sustain the last House, and against the Governor. Lord Falkland will find no difficulty in disarming this majority if he walk in the footsteps of Sir John Harvey.

26th. It deserves notice how very little intercourse there has hitherto been between the people of the United States and those of the adjoining British Provinces, and most especially with Nova Scotia. Yet they well deserve to be studied by a young American statesman, for they are destined to have hereafter a very powerful influence over the condition of the North American Union, and especially over its Northern and Western sections. The policy of the British Government has been to excite and maintain divisions of interest among the colonies themselves, as well as to nourish and stimulate their animosities against the neighboring States. In 1784 the province of New Brunswick was set off from Nova Scotia, and constituted a separate colony. So was the island of Cape Breton, which has, however, been since re-annexed to Nova Scotia. There are very perceptible mutual rivalries and jealousies between the provinces, and a great indifference in both to the Canadas.

They levy an impost duty of five per cent. upon all imported goods from one to the other, and it is very apparently part of the political system at home to keep them as much as possible alienated from each other, that all may be more perfectly dependent upon the common parent. Another precaution at home is a rigorous prohibition to recruit any of the regiments in the provinces. Of the ten companies constituting a regiment, they always retain four in England in depot, and send them out from time to time to supply the vacancies by death or desertion. The last are very rare. The men are enlisted for life, and, as they are all taken from the paupers of the three kingdoms, and are fed, clothed, and lodged at the King's expense, and trained exclusively to the performance of military service, they are nested in a condition of existence from which they have little temptation to depart, especially at the risk of capture and severe punishment. Yet on the day that we were at St. John a Court-martial was held upon a soldier who had deserted from the 69th Regiment, and who, one of the officers said, had been taken at Portland. I mentioned this at Portland, to their great surprise.

27th. Read the sixth chapter of the first volume of Bancroft's History of the United States. This chapter is entitled "Restrictions on Colonial Commerce." It is a very lame account of the English Navigation Act, and a florid panegyric upon the first settlers of Virginia, upon the soil and climate of that country, upon the Indian monarchs Powhatan and Opechancanough, in equal measure. With all this he has transcendent talents and indefatigable industry. Every page of his history teems with evidences of profound research, quick perception, and brilliant imagination. It is extremely entertaining; the style diffuse and declamatory, far less chaste, though more fascinating, than that of Irving or of Prescott; the morality ostentatious, but very defective.

October 1st. My early rising enabled me to effect more this day than usual, though three hours of it were occupied in reading Mr. Webster's speech to a great meeting of merchants last Monday at New York. One of the most remarkable peculiarities of the present time is that the principal leaders of the

political parties are travelling about the country from State to State, and holding forth, like Methodist preachers, hour after hour, to assembled multitudes under the broad canopy of heaven. Webster and Clay, W. C. Rives, Silas Wright, and James Buchanan are among the first and foremost in this canvassing oratory, while Andrew Jackson and Martin Van Buren, with his heads of Departments, are harping upon another string of the political accordion by writing controversial electioneering letters. Besides the prime leaders of the parties, numerous subaltern officers of the Administration are summoned to the same service, and, instead of attending to the duties of their offices, rave, recite, and madden round the land.

3d. The third successive day of rain, mist, and fog, confining me to the house, but enabling me to write more of my lecture upon *Faith*, a subject upon which I have long meditated and formed opinions perhaps worthy of being communicated to the world, but immature in my own mind, and which can never be wrought into consistency but in the form of a dissertation. My principal difficulty consists in the dryness and hackneyed nature of the subject, profoundly metaphysical, and buried in the bottomless depths of religious controversy. Can I take it up without encroaching upon the province of the pulpit? Can I touch it without getting entangled in the theological snarl between salvation by faith and by works? Can I trace and unfold to demonstration the indissoluble union between religious and moral faith? Can I show that it is the link of responsibility between man and his Maker, and the only bond of association between man and his brother? that it is the characteristic of his immortal nature? that it is the adamant of all human society, the cohesive principle of the gregarious animal, man? Can I *define* its legitimate powers; its vitality to the institutions of government; to the relations of domestic life; to the peace and justice of independent communities; to the intercourse of trade and commerce; to all the public and all the private duties of man? Can I mark its limits, its modifications of active and passive faith, of confidence and fidelity? Can I sift the question how far faith is, or is not, dependent upon the will? And, above all, can I

approach the question, when and how far faith may be violated without wrong; when and how its violation may be matter of indifference; when and how it may become a dictate of indispensable duty? And can I dress up all this matter with seasoning to make it palatable for an hour and a half to a popular auditory who would not endure it for half an hour in a sermon? I make with intense and foolish anxiety the attempt—foolish, because, after all, a dull lecture would not be a very crying sin.

17th. Mr. Lincoln, of Hingham, Mr. Richards, of Braintree, and Mr. Brigham, of this town, came this morning as a committee of the Convention of the Twelfth Congressional District, held last Wednesday, the 14th instant, at Plympton, by the Whigs, to inform me that I had been unanimously nominated for re-election to represent the district in the Twenty-Seventh Congress; and gave me a letter signed by the three members of the committee, containing the same information, with a request that I would accept the nomination. Mr. Lincoln read to me also from the Hingham Patriot a resolution of the Convention, declaring their unabated confidence in me, and left the paper with me.

I told them that I accepted the nomination, with a grateful sense of the resolution with which it was accompanied; that I would answer their letter, and should avail myself of the occasion to repeat, what I had already stated to Mr. Lincoln, that I had felt myself under a peculiar obligation to abstain from attendance at all the public meetings which had been held in the course of the present year having reference to the approaching Presidential election; that a sense of propriety had heretofore prescribed it as a rule to all ex-Presidents of the United States to abstain from interference in the election of their successors; and although the last President, Jackson, had departed from that rule, as the present President, Van Buren, had departed from another rule, forbidding any candidate for the Presidency to canvass for himself—disapproving of these practices, I am unwilling to give countenance to them by following the example. That, besides this, any active electioneering on my part would be liable to the imputation of personal envy,

resentment, or revenge, and to the further interested motive of seeking to promote my own re-election to Congress. I had therefore refrained during this recess of Congress even from addressing my constituents by letter, as I had repeatedly done before.

Mr. Lincoln intimated a wish that I should allude, in my written answer to the committee, to these reasons for my silence; which I promised to do.

27th. Mr. Ellis Gray Loring, of Boston, and Mr. Lewis Tappan, of New York, called on me this morning, and earnestly entreated of me to assume, as assistant counsel to Mr. Baldwin, of Connecticut, the defence of the Africans captured in the Amistad, before the Supreme Court of the United States at Washington, at their next January term.

I endeavored to excuse myself upon the plea of my age and inefficiency, of the oppressive burden of my duties as a member of the House of Representatives, and of my inexperience, after a lapse of more than thirty years, in the forms and technicals of argument before judicial tribunals; and said I would cheerfully do what I had heretofore offered—that is, to give any assistance of counsel and advice to Mr. Baldwin and any other person charged with the argument before the Court. But they urged me so much, and represented the case of those unfortunate men as so critical, it being a case of life and death, that I yielded, and told them that if, by the blessing of God, my health and strength should permit, I would argue the case before the Supreme Court; and I implore the mercy of Almighty God so to control my temper, to enlighten my soul, and to give me utterance, that I may prove myself in every respect equal to the task. They promised that Mr. Baldwin would furnish me with a complete brief; and Mr. Tappan left with me two scrapbooks containing, in slips from the newspapers, all the publications relating to the trials, from the time of the capture by Lieutenant Gedney.

November 3d.—At eight o'clock this morning I departed from Quincy, and I was set down at my son's house, No. 3 Hancock Avenue. At six o'clock Mr. Warren came with a carriage and took me over to his house at Charlestown. I

walked thence with him, just before seven, to the Town Hall, which was already filled with a crowded auditory. As the clock struck seven, Mr. Warren announced to the Lyceum that the lecture next Tuesday evening would be delivered by Professor Henry Ware, Jr., of Cambridge, and would be entitled "The Biography of the Globe." He then introduced me with a complimentary phrase, and I said that, as a lecture was announced to them for next Tuesday on the Biography of the Globe, I might call that which I was about to deliver "The Biography of *Man;*" and I delivered the dissertation on Society, which was listened to with deep and silent attention, and a hearty clap of approbation at the close. I then returned with Mr. Warren, who is a lawyer at Charlestown, to his house, where I met a numerous party of gentlemen; and, after an hour of conversation, and a plentiful supper, I returned to my son's house at Boston.

Boston, 4th.—I walked down to the ferry-boat at Lewis's Wharf, and precisely at six P.M. crossed to Chelsea, took the cars of the Eastern Railroad for Salem, and, at a quarter-before seven, found Mr. N. Silsbee and Mr. Joseph E. Sprague waiting for me at the depot. Mr. Silsbee had a carriage ready, and took me to his house, where I found his eldest daughter, Mrs. Sparks, with a little girl, Mr. Sparks's daughter by his first wife, Georgiana, Mr. Silsbee's second daughter, and Miss Storrow, of Cambridge. Just before seven, Mr. Silsbee took me to the Lyceum hall, which was as full as it could hold; and the whole company rose as I entered. On the stand, at the further end of the hall, were Chief-Justice Shaw, Judges Putnam, Wilde, and White, Dr. Flint, Dr. Hezekiah Packard, Mr. Upham, and several other respectable gentlemen. I delivered the lecture on Faith, which was well received, though without any clapping of hands. We then returned to Mr. Silsbee's, where about thirty gentlemen came and spent the remainder of the evening. I sat in conversation with the family till midnight.

17th. At half-past five A.M. I took the cars from Hartford to New Haven. At eight A.M. we arrived at New Haven, and I took lodgings at the Tontine Hotel. Breakfast. Immediately after, Mr. Roger Sherman Baldwin called on me, and invited

me to his office in his house, whither I went with him. He read to me sundry papers, and gave me one containing an argument drawn up by him, all relating to the negro prisoners taken in the Amistad.

We had two hours of conversation upon the whole subject, in which he exposed to me his views of the case, the points which had been taken before the District and Circuit Courts, and the motion to dismiss the appeal, which he supposes the proper course to be taken before the Supreme Court. He read to me numerous authorities on the several points which he proposes to urge at the trial, and said he hoped the Supreme Court would take up the case in the first or second week of the session.

I visited the prisoners with Mr. Baldwin, Mr. Wilcox, the Marshal of the District, Mr. Pendleton, his Deputy, and keeper of the house where they are confined together. The three girls are in a separate house, and I did not see them. There are thirty-six men, confined all in one chamber, perhaps thirty feet long by twenty wide; sleeping in eighteen crib beds in two rows, two deep on both sides, the length of the chamber. They are, all but one, young men, under thirty, and of small stature—none over five feet six; negro face, fleece, and form, but varying in shades of color from ebon black to dingy brown. One or two of them are almost mulatto bright. Cinque and Grabow, the two chief conspirators, have very remarkable countenances. Three of them read to us part of a chapter in the English New Testament, very indifferently. One boy writes a tolerable hand. Mr. Ludlow teaches them; but, huddled together as they are, and having no other person to talk with but themselves, their learning must be very slow.

PHILADELPHIA, 22d.—I was able this morning to write for a couple of hours before breakfast. Met at the breakfast-table Mr. Charles Fenton Mercer, who, after twenty-two years of service in the House of Representatives of the United States, last winter, in a fit of despair, accepted an office as cashier of a bank at Tallahassee, in Florida, and is now going to England —I suppose to raise the wind for that institution. Mercer is one of the most respectable natives of Virginia, and has devoted

his life to the internal improvement of the country and to the gradual extinction of slavery in the State. In both of these benevolent and exalted purposes his exertions have been abortive. The savage and barbarous genius of slavery has not only baffled them all, but has kindled a flame of popular odium against him, from which he has shrunk into the cashier of a bank at Tallahassee. A noble spirit doomed to drudge in the mines.

I called at Mr. John Sergeant's, and walked with him and Mrs. Sergeant to the Episcopal Church, where Mr. Odenheimer read the morning service for the twenty-third Sunday after Trinity, and preached from Ephesians vi. 17: "And take the helmet of salvation." He observed that there was some obscurity in the text as to what the helmet of salvation was, but that from another text—1 Thessalonians v. 8—it was ascertained to be Hope, and thus opened the general subject of all the encouragements of religion. The discourse was apparently one of a series upon the several weapons of the whole armor of God. The preacher is a young man, moderately eloquent, and his amplification of the virtue and efficacy of Hope as a Christian virtue was instructive, and might have been specially useful to me—particularly his quotation from St. Paul, who had *Hope* because he had fought the good fight and had kept the faith.

I dined with Mr. N. Biddle, "en famille," with no other addition save Judge Hopkinson. We sat after dinner settling the nation till near eight in the evening, little satisfied with the result. Hopkinson is snug in port, content with his office of District Judge, undisturbed by ambition or fear. Biddle broods with smiling face and stifled groans over the wreck of splendid blasted expectations and ruined hopes. A fair mind, a brilliant genius, a generous temper, an honest heart, waylaid and led astray by prosperity, suffering the penalty of scarcely voluntary error—'tis piteous to behold.

WASHINGTON, 30th.—I went to the office of the Attorney-General, Gilpin, then to his house, and again to his office, where at last I found him. The Commissioner of the Land Office, Whitcomb, was with him. I spoke to him of the case of the negroes of the Amistad, to come before the Supreme Court of

the United States at their session next January, on appeal by the United States District Attorney from the decision of the District and Circuit United States Courts in Connecticut.

Mr. Gilpin had received a letter from Mr. Baldwin, requesting that the case may be taken up the first week of the Court's sitting, but thought there would be difficulty in taking it up out of its turn. I desired Mr. Gilpin to submit to the consideration of the President the expedient of having the case dismissed by consent without argument; for which I urged obvious reasons, and which he said would deserve serious consideration. I had called on the Secretary of State, Forsyth, and had much conversation with him upon China, and New Zealand, and the Northeastern Boundary.

December 1st. At a quarter-past eleven Mr. Harris came to my door with a hack and took me to the railway depot, and took tickets for us to Baltimore. At a quarter-before twelve they started, with not more than twelve passengers, and, travelling slow, with many stoppages, reached the depot at Baltimore a quarter-before three P.M. There I found Mr. Harris, the President of the Mercantile Library Association, with a hack ready, in which he accompanied me to Barnum's Hotel. Here I was ushered to the two apartments which I had repeatedly occupied when President of the United States, but never since, and the stateliness of which belongs not to my present condition. The Association have apparently determined that the cost of my visit to Baltimore at their request shall be defrayed by themselves; and I have not thought it necessary to be punctilious in rejecting their purpose. I would have dined at the ordinary, but Mr. Barnum insisted on having my dinner served in my parlor. Mr. Harris dined with me. It so happened that I was quite unwell, suddenly taken in the cars soon after leaving Washington, and had so totally lost my appetite that I could scarcely swallow anything of the sumptuous dinner which was served. The day was frosty and raw, and I had taken a chill in the cars. I was fearful I should not be able to perform my engagement of the evening, and had the utmost difficulty to conceal from Mr. Harris my discomposure. I received and answered a second note of invitation to dine to-

morrow from Mr. Robert Gilmor. I had numerous visitors, among whom several old acquaintances, whose names and persons, to my great mortification, had alike vanished from my memory. I remembered Isaac Munroe, editor of the Baltimore Patriot. Mr. Barnum sat and chatted with me for an hour after dinner, and Mr. Findley, heretofore Marshal of the district, another.

The lecture had been fixed for eight o'clock. At half-past seven Mr. Harris and another gentleman came and took me to Dr. Duncan's church, which was so crowded that I had no small difficulty to get in. My chill had passed off, but left me with a hoarse and broken voice. Dr. Duncan was in his pulpit, and announced to the auditory that my lecture was introductory to a course proposed to be given by the Mercantile Library Association. I spoke from a platform fronting the pulpit, and delivered the lecture on Society and Civilization. It was well received—the stanzas and the close applauded. All heard with deep attention. Sundry persons were introduced to me, and Mr. Gilmor came to shake hands with me. Mr. introduced himself, asked me if I had read Swedenborg's treatise on Conjugial Love, and said he would send it to me. He said, too, that he had heard my lecture on Faith at the Tabernacle in New York, and agreed with me in everything except that the belief depends upon the will. Mr. Harris, President of the Association, and Mr. , took me back in the hack to Barnum's, and sat half an hour with me in conversation. They were chiefly pleased with the stanzas on connubial love.

Baltimore, 2d.—The precaution of taking pen, ink, and paper with me has been available. I rose at five, and wrote till eight. Breakfasted at the ladies' ordinary, where there were few boarders. Visits immediately after from Messrs. Ridgely and Griffiths, as a committee from the temperance society, to request me to deliver an address to that association—which I was obliged to decline, as at present impracticable, and as certain to be so during the approaching session of Congress. But after its close I promised either to deliver such an address or to give them notice that it will not be in my power.

Mr. D. C. Harris came also, to enquire how I was this morning. I returned with a card the visit of Mr. Reverdy Johnson, and in person the card-visit of Colonel B. C. Howard. Much conversation with him upon the Northeastern Boundary question, upon which he said he proposed to deliver a lecture before the Mercantile Library Association. He showed me Kitchin's Atlas of Maps, in which there are two published by Laurie and Whittle, 12th May, 1794—one of which marked the boundary as now claimed by the British Government, and the other as claimed by the United States. He said he had supposed, until he saw these maps, that the present British claim was a recent pretension; and he could not account for the fact that these two maps were published by the same persons on the same day.

Returning from Colonel Howard's, I went to the column at the end of North Charles Street, erected to George Washington by the State of Maryland. There is a cubic basement, within which is a man who receives twelve and a half cents for the admission of a visitor, and furnishes him with a lantern to ascend the winding stairs between the outer and inner column. There are twenty-eight steps of ascent to the top of the basement, and two hundred thence to the top of the shaft and of the entablature over it. At every twenty-fifth step the stepping-stone is wider than the rest, to afford a resting station. Over the entablature there is a cap, cylindrical and round-topped, over which stands a colossal statue of Washington in a Roman toga, with a roll in his extended right hand, meant for the Constitution. There is also a statue of him in the corner of the basement below, and a bust in a niche, copied from that of Ceracchi. The whole is in elegant taste, and the front of the column forms a beautiful object to the eye at different distances throughout the whole length of Charles Street. Dined at four o'clock with Mr. Robert Gilmor, and had a glance at his fine collection of pictures and Greenough's statue of Medora. Company nine, and Mrs. Gilmor—a round table, excellent dinner, delicious wines, and a jovial company. After dinner Mr. Granger came in, and Mr. Reverdy Johnson took me home with him to an oyster supper; and just before midnight I returned to the hotel.

3d. On returning to the hotel last night, I found on my table the names of Messrs. Mayer, Hoffman, and Boyd, visitors while I was out. Mr. David Hoffman and Mr. Kerr were two of the Electors of President and Vice-President of the United States for the State of Maryland. Yesterday was the day upon which the Electors of the twenty-six States met at the seats of their respective Governments to vote for those two officers to serve for four years, commencing on the 4th of March, 1841. The Electors for the State of Maryland met at Annapolis, and gave ten votes, the number to which the State is entitled, for William Henry Harrison, of Ohio, as President, and John Tyler, of Virginia, as Vice-President. Mr. Kerr and Mr. Jenifer called this morning, just as I was about leaving Barnum's to return to Washington. Mr. J. M. Harris came and introduced several of the directors of the Mercantile Library Association, whose names I was unable to retain, except that of Mr. James S. Waters, who accompanied me on my return. On calling for my bill at Barnum's, I was told it was paid. Mr. Harris took me in a hack to the railway depot. The train started at nine A.M., and at half-past eleven we alighted at Washington, and Mr. Waters accompanied me in a hack to the door of my house. He dined with us at three, and after dinner left us to go to Alexandria. Mr. Meredith urged me very warmly to remain at Baltimore and dine with him this day; but I had already indulged myself too much with the day of entertainment by Mr. Gilmor and Mr. Reverdy Johnson.

The outward marks of respect which I have received on the delivery of these lectures for the last five weeks are too flattering, and more than my honest nature can endure. It augurs some deep humiliation awaiting me, to teach me in the last stage of my existence upon earth what I am, and the real estimation in which I am held by the very small portion of my fellow-creatures who know or care anything about me. I found on my table at home letters calling me to new duties and severe and trying labors, for which I ask for aid—a meek and quiet but genial spirit.

WASHINGTON, 4th.—Morning visits from Colonel Henderson, of the Marine Corps, and Mr. Cazenove, of Alexandria.

Mutual gratulation at the downfall of the Jackson Van Buren Administration is the universal theme of conversation. One can scarcely imagine the degree of detestation in which they are both held. No one knows what is to come. In four years from this time the successor may be equally detested. He is not the choice of three-fourths of those who have elected him. His present popularity is all artificial. There is little confidence in his talents or his firmness. If he is not found time-serving, demagogical, unsteady, and Western-sectional, he will more than satisfy my present expectations. Jackson's Administration commenced with fairer prospects and an easier career before him than had ever before been presented to any President of the United States. His personal popularity, founded exclusively upon the battle of New Orleans, drove him through his double term, and enabled him to palm upon this nation the sycophant who declared it glory enough to have served under such a chief for his successor. Both the men have been for twelve years the tool of Amos Kendall, the ruling mind of their dominion. Their edifice has crumbled into ruin by the mere force of gravitation and the wretchedness of their cement. But what is to come? No halcyon days. One set of unsound principles for another; one man in leading-strings for another. Harrison comes in upon a hurricane; God grant he may not go out upon a wreck! Perhaps these gloomy reflections are chilled by the fall of snow, which began before noon, and continued through the day, without storming. It confined me to the house till five P.M., when I went and dined with Mr. Seaton, the Mayor of the city—a diplomatic dinner, with Messrs. Bacourt, Bodisco, Mareschal, Martini, Serruys, Hulsemann, Steckel, and one or two others; also Mr. Gales, Bradley, Richard S. Coxe, Columbus Munro, Mrs. Seaton, Miss Seaton, and Miss Scott, not to forget Mr. Smith, the Registrar of the Treasury.

After dinner, Mr. Coxe entertained me with an account of his ancient relations with John C. Calhoun, and of Calhoun's solicitude at the time of my election as President lest I should be driven by those around me into the absurd and detestable doctrine, as he then called it, of State rights. I have heard no

person speak with so much bitterness of the expiring Administration as Mr. Coxe. There was a whist-party in the evening, but, without taking part in it, I came home before nine. I had wasted the day in looking over the documents relating to the Amistad negro case, and Ellis's journal of the proceedings of Lord Amherst's embassy to China.

5th. I called on the Secretary of the Treasury with a letter from the First Comptroller's office, signed J. N. Burke, Acting Comptroller, and assigning as a reason for the refusal of the Collector at New London to issue American papers to the purchaser of the schooner Amistad, sold by the United States Marshal under a decree of the Judge of the United States District Court in Connecticut, that there was an appeal from the decree of the Judge, and that it had not been usual to issue papers upon an interlocutory or other than final decree.

I requested that this opinion from the Comptroller's office might be reconsidered, observing that the decree from the District Court operated "in rem;" that the sale by the Marshal under that decree was the act of the law, not at all affecting the right of the party appealing from the decree of salvage, but done for the benefit of all the parties, to save the perishable article for him to whom it should be finally adjudged to belong; that the refusal of the papers would invalidate the sale by the Marshal and the decree of the Judge, and give the purchaser a just claim of damages against the Government itself, whose officers in the two departments would thus counteract one another. If the decision of the Secretary should adhere to this view from the Comptroller's office, I should be under the necessity of commencing a correspondence with the District Judge concerning his decree.

Mr. Woodbury said he would call on the Comptroller for a statement of the case, and take and report to me the opinion of the Attorney-General on the law.

7th. This day commenced the second session of the Twenty-Sixth Congress. The heavy fall of snow compelled me to ride to the Capitol, and a quarter-before twelve I took my seat; being that which Rice Garland transferred to me the morning after the close of the last session. Precisely at noon, the

Speaker, Robert M. T. Hunter, took the chair, and the names of the members were called over by States. Ninety-three answered to the call, and seven new members were presented and sworn by the Speaker, among whom was Robert C. Winthrop, from Boston, who takes the place of Abbott Lawrence, resigned. He and Governor Lincoln have been ever since last Friday afternoon at three o'clock coming from Philadelphia, and reached this city only at four o'clock this morning. The snow-storm has been unparalleled. The Speaker immediately adjourned the House, at the motion of Lewis Williams. The delegates from the Territories were not called, but Downing, of Florida, and Dodge, of Iowa, were present, and six members came in after the adjournment. In the Senate only sixteen members appeared, and neither the Vice-President, R. M. Johnson, nor the President pro tem., W. R. King, was among them.

8th. The Speaker took the chair at noon, and the roll was called over of members who had not answered. Fifty additional members now answered to their names. A message was sent to the Senate to inform them that a quorum of the House were assembled and ready to proceed to business; and an order passed for the appointment of a committee, to be joined by a committee on the part of the Senate, to wait on the President of the United States and inform him that a quorum of both Houses are assembled and ready to receive any communication that he may be pleased to make to them. Mr. Taliaferro and Mr. Cave Johnson were appointed the committee on the part of the House.

I gave notice of my purpose to offer to-morrow a resolution that the standing rule of the House numbered twenty-one, adopted on the 28th of January last, be rescinded. It is the rule that abolition petitions shall not be received or in any manner entertained by the House. No other business was transacted. The Senate did not form a quorum, five additional members only to those present yesterday having appeared, one of whom was the President pro tem., W. R. King. The House adjourned about half-past twelve. Of the members who came in this day, John Sergeant, W. B. Calhoun, Millard Fillmore,

and Daniel D. Barnard, who travelled with his wife and two children, left Philadelphia on Saturday morning in the cars, and at nine o'clock that evening found themselves twenty-three miles from Baltimore, in the middle of the road, with the snow falling and the storm howling around them, and unable equally to proceed or to recede. There, of eighty passengers in the train, thirty of whom were women, the greater number remained the whole night of Saturday, the whole day and night of Sunday, and Monday till near noon, when fresh engines came and took them up and brought them last night into Baltimore. A small part of their company found a refuge in two or three hovels near the place where they were arrested, but fared worse than those who adhered to the cars. These made themselves comfortable by shutting out the tempest, keeping up good fires, and foraging successfully round the neighborhood for a supply of provisions. Sergeant says there was in all this not much of hardship.

The passengers from the South brought an account that Waddy Thompson, just beyond Petersburg, in Virginia, was knocked down between the two rails, and the whole train of five cars, engine and all, passed over his body without hurting him much or perhaps at all. He did not come on, however, in the cars.

9th. A quorum of both Houses was this day formed. The joint committee waited upon the President, who informed them that he would send forthwith a message to the two Houses. It was accordingly received and read, ready printed for the Senate. Atherton, of New Hampshire, moved that the message should be referred to the committee of the whole on the state of the Union, and that fifteen thousand copies of it with the documents, and five thousand copies without the documents, be printed for the use of the members of the House; which was carried.

I had offered my resolution to rescind the twenty-first standing rule of the House. Jenifer moved to lay it on the table; Lewis Williams, that it be postponed. I said I was willing to take the question immediately, without debate. I offered the resolution at the earliest possible moment, for two reasons—first, because the commencement of the session is the time for

receiving petitions; and secondly, because, so far as the discharge of my duty was concerned, I would not suffer that rule to stand one hour as the law of the House. Linn Banks moved that it should be laid on the table. I said that if the House did not choose to take the vote directly on the resolution, I should prefer next the question of laying on the table, because it could then be called up at any time. I asked for the yeas and nays, and they were eighty-two to fifty-eight; all the South and Northern serviles voting in the affirmative. The House adjourned about three.

Mr. Robert Greenhow, the translator to the Department of State, came and complained that he had been unjustly charged with making a false translation in the document No. 185 of the House documents of the last session, in the case of the Africans captured in the Amistad. He showed me the charges in the letter of Judge Jay, and said that Judge Jay was mistaken in supposing the word "negroes" to have been interpolated in the Spanish certificate; and that the word "sound" in the printed document was not in the manuscript translation made by him and transmitted to the House. Mr. Greenhow requested me to see that the matter should be understood by the House, to exonerate him.

10th. I went to the Capitol an hour before the meeting of the House this morning. I examined the manuscript document of the last session No. 185, and, upon comparing it with the printed document, found, as Mr. Greenhow had stated to me last evening, that in the manuscript the word "ladino" is inserted in the translations of both the permits to ship the negroes, for which, in the printed document, the word "sound" is substituted.

At the meeting of the House, Stanly moved to reconsider the vote for printing fifteen thousand copies of the President's message with the documents; upon which the vote, by yeas and nays, was eighty-nine to ninety. I then moved that a select committee of five members be appointed to ascertain and report to the House whether the House document of the last session, No. 185, has been falsified, and, if so, by whom the falsification was made, with liberty to send for

persons and papers. I stated the fact of the difference between the manuscript and the printed document; then read the note on the false translation of the word "ladino" in the reprint of the document at New York, and the censure upon it in Judge William Jay's letter of 20th October last to Lewis Tappan, published in the American and Foreign Anti-Slavery Reporter, Nos. 8 and 9. No answer was made to me, and no objection to the adoption of the resolution; but, when the Speaker put the question, several voices in the negative were heard. A division was called, and the vote stood fifty-seven to forty-six. There were, of course, upwards of forty who did not vote.

An order passed for the appointment of the standing committees, and Tillinghast offered a very long resolution calling upon the Secretary of the Treasury for information respecting the execution of the Sub-Treasury law; which, after some discussion, was rejected by the House.

The annual report of the Secretary of the Treasury upon the finances was received, and referred to the Committee of Ways and Means, and five thousand extra copies were ordered to be printed. A message from the President was received, recommending an immediate appropriation of one hundred and fifty-one thousand three hundred and fifty-two dollars and thirty-nine cents for the Navy Pension Fund, to meet payments which will become due on the 1st of January. Several other resolutions were offered, and the House adjourned over to Monday.

As I was returning home, I met in the Avenue Mr. Greenhow, who enquired if I had examined the document No. 185 in manuscript. I told him that I had, and found it as he had said, and that I had offered a resolution to ascertain by whom the fraud has been committed, and that I had taken care to exonerate him entirely from all blame in the matter.

11th. I called this morning on my neighbor Mr. Daniel D. Barnard, and returned the manuscript of his lecture on the "Morals of Politics." I had some conversation with him upon our political prospects, concerning which I feel far more solicitude than hope. Barnard is one of the ablest men of the Whig party. His principles generally are of the best, dashed with

errors the more dangerous because honestly entertained and rooted in a profound and vigorous mind. I paid morning visits to Mr. Henry Clay, lodging at Mrs. Arguelles's, and to Mr. Solomon Lincoln, at Brown's Hotel. While I was at Mr. Clay's, numerous other visitors came in, among whom the Russian Minister Bodisco, whom Mr. Clay bantered coarsely about his marriage last spring with a young girl at Georgetown, daughter of a clerk in one of the public offices, named Williams. Bodisco took Clay's greasy jokes very good-humoredly, and, with no small self-complacency, assured him that all was right. Clay said he had visited Mr. Van Buren yesterday and had an hour's conversation with him on the issue of the Presidential election. Mr. Clay further told us that before leaving home he had seen the President-elect, Harrison, and that he looked well, though somewhat shattered.

At Mr. Lincoln's room I met Mr. Webster, Governor Lincoln, and Robert C. Winthrop. I called at the office of the Attorney-General, Gilpin, who informed me that he had seen the President of the United States concerning the case of the Amistad negroes, and he had concluded that the case could not be dismissed from the Supreme Court without an argument, because the Spanish Minister insisted on the delivery up of the men as slaves to be sent to the Havanna, and, further, that the motion to dismiss the case was made in the Circuit Court, and there refused.

I said that the refusal of the Circuit Court to dismiss the case seemed no reason for precluding the dismission of it from the Supreme Court, and that the Spanish Minister had not only not demanded the delivery of the men as slaves, but had explicitly so demanded them as assassins.

He said there was a subsequent letter from the Spanish Minister in April last, insisting upon the delivery of the men as slaves upon the principle of certain resolutions of the Senate adopted at their last session.

I denied the right of the Spanish Minister to claim them as property—the pretended owners having claimed them and not having appealed from the decision. Mr. Gilpin had also the papers from the Secretary of the Treasury respecting the pur-

chase of the schooner Amistad before him, but did not appear to understand the question.

12th. Mr. Force and Mr. Lawrence came as a committee from the National Institution for the Promotion of Science, and stated that they propose to hold a meeting of the Society on the first Monday, the 4th of January next, when a discourse is to be delivered by Mr. Poinsett. The Society are desirous of obtaining the use of the hall of the House of Representatives that evening for that purpose, and wished me to offer a resolution that it be granted; which I promised to do. They said the institution was likely to flourish, and that great interest was taken in it by the people here.

I thought it necessary to look into the case of the Amistad captives, to prepare for the argument before the Supreme Court in January—of which I dare scarcely to think. I read, especially, the article in the American and Foreign Anti-Slavery Reporter of 1st October, 1840, entitled "The Amistad Case," p. 48–51, with deep anguish of heart, and a painful search of means to defeat and expose the abominable conspiracy, Executive and Judicial, of this Government, against the lives of those wretched men. How shall the facts be brought out? How shall it be possible to comment upon them with becoming temper—with calmness, with moderation, with firmness, with address, to avoid being silenced, and to escape the imminent danger of giving the adversary the advantage in the argument by overheated zeal? Of all the dangers before me, that of losing my self-possession is the most formidable. I am yet unable to prepare the outline of the argument, which I must be ready to offer the second week in January. Let me not forget my duty.

13th. A bright sky overhead, a mild but snow-chilled atmosphere to breathe, and a slushy carpet in the streets under foot, was the circumstantial condition of this day, and emblematical of the social and political condition of the country.

At home, my attention was diverted from the Amistad Africans, to Barrow's Travels in China, which absorbed me for the remainder of the day. Barrow was the private secre-

tary of Lord Macartney, and his book is a valuable supplement to that of Sir George Staunton; and they form, together, a marvellous account of that said Empire of China—a patriarchal despotism, realized over three hundred millions of population, and continuing from time immemorial; a nation floating upon their rivers and never navigating the ocean; polygamy, bestiality, infanticide, idolatry, and brutal filthiness, commingled with extreme politeness and high accomplishments in many of the useful and elegant arts. The extremes of civilization and of the savage state blended together in one condition of human existence are portrayed with vivid coloring in these narratives. Barrow was left at the palace of Yuen Min Yuen while Lord Macartney went to Zhe-hol; and his description of the consternation of the Chinese household on learning the refusal of the Ambassador to perform the Ko-tou sheds some additional light upon the account of Sir George Staunton.

14th. At the House, R. C. Winthrop moved an amendment of the journal of last Thursday, to insert his *Ay* on Stanly's motion to reconsider the vote for printing fifteen thousand copies of the President's message with the documents. Joseph L. Williams made the same motion for himself. Petriken objected. Debâte; yeas and nays—two hundred to three. The two additional votes carried the motion to reconsider. More debate. Final vote to print ten thousand copies with the documents.

Committees announced. As nearly as possible the same as at the last session. Committee of Manufactures all the same. Petriken, Chairman of the Committee on Public Buildings. Thompson, of Kentucky, announced the death of his predecessor, Simeon Anderson, with a suitable panegyric and resolutions of condolence and to wear crape. And Leet, of Pennsylvania, performed the same service for William S. Ramsey, a patriot and sage who, at the last session, boasted that he had been one of the Harrisburg mob in 1838, and would be one again if need there should be. Instead of which, he shot himself, about two months ago, in a tavern at Baltimore. He had just been re-elected to Congress, and, as Leet was not ashamed to say, lived and died an honorable man. The reso-

lution to wear crape for him passed, of course, and the House adjourned.

15th. I found the House in session, in committee of the whole on the state of the Union, upon the bill making a partial appropriation for the support of Government for 1840—that is, the bill to provide for the expenses of the two Houses of Congress, and for the pay of their members. In ten minutes after I entered the House the bill was reported by the committee of the whole on the state of the Union, and passed. Nothing can equal the dispatch with which these bills are driven through both Houses.

A message came from the Senate that they had elected Mr. Cookman for their Chaplain. Mr. Hand introduced a new Naturalization bill and to repeal all the existing laws on that subject. He moved its reference to the committee of the whole on the state of the Union. Mr. Everett moved to refer it to the Judiciary Committee. Question by yeas and nays on the Union; lost—ninety-six to ninety-nine—the second vote on which a sufficient number of the Kinderhook time-servers have given way to turn the majority. The bill goes to the Judiciary Committee.

I offered a resolution calling upon the President for a communication of documents showing the origin of any political relations existing between the Government of the United States and that of China; whether a Consul of the United States at Canton has ever been received, and whether he, or any one since appointed, has been recognized there in that capacity. The instant after my resolution was read, Cave Johnson started up and moved to adjourn—which was carried. The Speaker came to my seat and told me that he should call the States to-morrow for petitions.

16th. At half-past ten, in the chamber of the Committee of Manufactures, met the select committee on the falsification of House Document No. 185 of the last session—Adams, McKay, Barnard, Medill, Dennis; all present. Hugh A. Garland, the Clerk of the House, attended with the manuscript message and documents received from the President, and a copy of the printed document was furnished to the committee from the

Clerk's office. I proposed that minutes should be kept of the proceedings of the committee; and Mr. Medill took them down. The manuscript and printed document were identified and certified by the Clerk, to whom I administered the oath upon the Bible to make true answers to the questions which should be put to him concerning the case under the consideration of the committee. The examination of the Clerk and minuting his answers brought the time to the meeting of the House, and the committee adjourned to Friday morning, ten o'clock. The Clerk was directed to notify Mr. Rives, one of the Printers of the House, to attend the committee Friday morning, and to apprise him of the subject of the examination. I proposed to send for Mr. Greenhow; but that was not decided.

In the House, the States were called for petitions, and went rapidly through. I presented eight only—one of which was excluded from being received by the rule, two, for rescinding the rule, were laid on the table at the motion of Linn Banks, and the others were referred to committees. After the petition of O. Bachelor had been at my motion referred to the Committee of Foreign Affairs, I received a note from him, and he came to me and enquired if I could not get it referred to a select committee. I told him that if I had made the motion the only effect would have been a motion to lay it on the table —which would certainly have been carried.

Thompson, of Mississippi, offered a resolution instructing the committee to report forthwith a bill to prohibit the taking of the testimony of colored persons in the army and navy; but he was instantly hushed, and withdrew his motion.

J. W. Davis moved a reconsideration of the vote of yesterday, referring Hand's Naturalization bill to the Judiciary Committee.

My call upon the President for documents relating to China was adopted, with an amendment proposed by Cushing and accepted by me, without opposition—Cave Johnson happening to be absent.

17th. The States were called again for petitions, and then for resolutions. Hunt offered a resolution for an amendment to the Constitution, to restrict the office of President of the

United States to one term of four years. Referred to the committee of the whole on the state of the Union.

Randolph moved a resolution directing the Clerk to pay the New Jersey members the usual mileage and per diem from the commencement of the last session to the 15th of July. Skirmish debate. Yeas and nays—one hundred and eighteen for the resolution, to sixty-six. Wise asks to be excused from voting; too late, and refuses to vote.

Mr. Poinsett came to the House and requested me to draw up a memorial for the National Institution for the Promotion of Science, to Congress, praying for an Act of incorporation—which I agreed to do; but when I moved that the use of the hall of the House be granted to the institution for the delivery of a discourse before them by Mr. Poinsett, Pickens started a formal objection against it, and a snarling debate followed. The abolition bugbear took extensively with the Southern Whigs, and the expense of lighting the chandelier with no small number of the Yankees. The vote was taken by yeas and nays, and carried only by eighty-nine to eighty-three. It is to be on the evening of the 4th of January.

18th. On reaching the Capitol, at ten, I found that the magnificent chandelier suspended in the hall of the House since the close of the last session of Congress, and said to have cost six thousand dollars, had just broken down with a tremendous crash, and crushed several desks of the members in its fall.

I attended the select committee on the falsification of House Document No. 185. All the members present. John C. Rives, one of the Printers of the House, and Trendholm, the proof-reader of the Globe office, were examined and sworn. Rives swore that he knew nothing of the alteration till after my resolution was offered in the House. Trendholm testified that the alteration was made by his direction to the compositor; and his reasons for it were that he did not know the meaning of the word "ladino" and "ladina" as applied to negro slaves; he supposed the meaning of it must be "sound." He said it was usual, in printing, for the proof-reader to correct manifest errors in the copy; and he produced several other instances in which it had been done—one, particularly, in which some Ger-

man manuscript writing had been ludicrously disfigured. This man said he was a native of France, educated in England—has been sixteen years engaged in printing-offices, eight of the years in this city. At noon the committee took a recess of half an hour, anticipating the adjournment of the House within that time.

In the House, Mr. Cookman opened the meeting with prayer. John W. Jones presented, from the Committee of Ways and Means, a Pension Appropriation bill. I enquired if the appropriation for the Navy Pension Fund recommended by a special message from the President was included in it. That message was referred to the Committee of Naval Affairs.

Reed, a member of the committee, said the Chairman (Francis Thomas) was absent, and there had been no meeting of the committee.

I said I hoped the committee would not wait for their Chairman.

Evans got in a petition from Maine about the Colonial trade; and, at W. Cost Johnson's motion, the House, at half-past twelve, adjourned over to Monday. The committee on the document resumed; sat till near three, and adjourned to Monday, ten A.M.

19th. I fell in with Ogden Hoffman, and walked with him till I went into the State Department office. Mr. Greenhow was not there. But I examined the copy of the Spanish permits for the shipment of the Amistad blacks at the Havanna, transmitted by the District Attorney, Holabird, from the Court record at New Haven, and from which the copy transmitted with the President's message to the House of Representatives was made. The copy sent to the House was exactly conformable to the copy at the Department. I desired that Mr. Greenhow might be notified to attend the committee next Monday morning at ten, and to bring this copy from the Court record with him. There were a mass of papers in preparation to answer the call for papers relating to our political relations with China, and the record of the commission of Samuel Shaw as Consul at Canton; of which I requested that a copy might be sent to the House. Mr. Van Ness was with Mr. Forsyth for about an hour while I was waiting with the clerks, one of

whom gave me a printed copy of a pamphlet called "A Brief Review of some of the Points in the Case of the 'L'Amistad,' and the Principles involved." I had much conversation with Mr. Forsyth on this case, and found him smarting under the scourge of Judge William Jay's comments on his conduct, but inflexibly determined to pursue the appeal to the Supreme Court. He said he disapproved of Mr. Greenhow's troubling me about this matter. Would it were over!

Sunday, 20th.—After the service I returned the visit of Mr. Hunter, the Speaker, an amiable, good-hearted, weak-headed young man, prematurely hoisted into a place for which he is not fit, precisely for his Virginian quiddities. I sat and conversed an hour with him, but could make absolutely nothing of him. Another hour I passed with Mr. Daniel Webster, the chief characteristic of whose conversation was reserve.

21st. At ten the committee on the falsified document No. 185 met, and examined, upon oath, Thomas S. Geddes, the compositor at the printing-office of Blair and Rives, and, upon affirmation, Robert Greenhow, the translator at the Department of State. Geddes swore, to the best of his recollection, that he set the types according to the manuscript, and that the word "sound" was substituted for "ladino" and "ladina" by the direction of the proof-reader, marked on the proof. Greenhow brought with him the original manuscript of his translation, and the document received at the Department of State from the District Attorney in Connecticut, Holabird, containing the copy of the record of the District Court, and in it the copy of the two permits to ship the negroes—in one of which are the words "negros ladinos," and in the other the words "negras ladinas." Greenhow said there was no possible sense in which the word "sound" was a correct translation of the words "ladino" or "ladina." The examination of witnesses was closed; but there was no definitive action of the committee, the House being already in session.

It was twenty minutes past twelve when I went down, and French, the Sub-Clerk, was reading the vote of yeas and nays upon John W. Davis's motion to reconsider the reference of Hand's Naturalization bill to the Judiciary Committee. I was

too late to vote. The reconsideration was refused—ninety to ninety-three.

The States were then (after a desultory debate about the authority by which the Clerk of the House paid between eleven and twelve hundred dollars to Charles J. Ingersoll for witnesses on the trial between him and Charles Naylor of the contested election at the last session of Congress, which was finally laid asleep by reference to the Committee of Accounts) called through for petitions. There were very few; but multitudes of the members succeeded in slipping in resolutions and bills by general consent. This consumed the time so that when the nominal call for petitions was gone through it was near three o'clock, and before the call for resolutions could be announced a motion to adjourn was made and carried. I offered a petition from Elisha Huntingdon and one hundred and eighty-six others for an amendment of the Naturalization law so as to admit colored foreigners to the right of holding real estate and voting; referred to the Judiciary Committee.

23d. I went this morning to the House expecting to take little or no part in the business of the day. But the States were called over for petitions, of which there were not a dozen presented. One of them was by Francis James, the Pennsylvanian Quaker. William Cost Johnson objected to its reception, under the gag-rule. It was sent to the Speaker, who looked into it and declared it within the rule. James insisted that it was not, and the reading of it was called for and refused. Some one moved to lay the motion of reception on the table; which was carried, by yeas and nays—ninety-nine to fifty-three.

When the State of Massachusetts was called, I said I had no petition to present, but asked leave to offer my resolution of call upon the Postmaster-General for a list of Postmasters removed since the 3d of March, 1829. The resolution was received, but at McKay's motion was ordered to lie over one day, under the rule.

The committees were called for reports. John W. Jones, from the Ways and Means, reported the Navy and Indian Annuity Appropriation bills.

When the Committee of Manufactures was called, I said I

had no report to make, but a motion that the bill No. 100 of the House of the last session, as it was when the session closed, should be referred to the committee. And now came an explosion totally unexpected by me. Pickens came out with a gunpowder blast against the bill. The Speaker said my motion was not in order. Stanly moved to suspend the rules to enable me to make the motion, which brought down Wise with a broadside upon him, which he returned double-shotted; the rules were suspended by a vote of one hundred and thirty-one to forty-five. Wise then moved that the reference should be to the Committee of Ways and Means, and made another speech. Pickens called for the reading of the title of the bill, which was done. Wise called for the reading of the whole bill, which was begun; and he then modified his motion to the reading all after the sixteenth section, which was done. He insisted that the subject belonged to the Committee of Ways and Means, and Tillinghast replied to him—Horace Everett all the time, in a low, almost inaudible voice, repeating, "Question, question." Morgan moved the previous question, which Wise moved to lay on the table, but withdrew his motion. It was carried, and the vote to refer to the Committee of Manufactures was carried—one hundred and nine to fifty. Adjourned just before three. But the New Hampshire, Maine, and New York serviles flinched at the last, and voted against the reference. Wise moved instructions to the committee to strike out after the sixteenth section all the remainder of the bill, but withdrew the motion.

24th. At half-past ten I met the committee on the falsification of Document No. 185. Present, Adams, McKay, Medill; and, belated, Barnard. Dennis was not in the House yesterday, so I could not notify him of the meeting this morning. I suppose he has gone home to keep Christmas. Benjamin B. French, now Chief Clerk, under Hugh A. Garland, of the House, and Brooke M. Berry, one of the copying clerks, were sworn and examined concerning a small slip of paper attached to the eighty-seventh page of the written document, and containing merely the names given in Spanish upon that page of the manuscript, anglicized. They testify that it was a loose

paper received with the manuscript document as returned from the Printer's. French attached it by a wafer to the manuscript page. Trendholm, the proof-reader of the printing-office, had acknowledged that the loose paper was in his handwriting, but did not recollect why he had written it. Mr. Barnard came in after the examination of French and Berry was over. There was conversation as to the principles on which the report should be drawn up. McKay and Medill appeared averse to any expression of censure upon the practice either of the printing-office or of the Department of State. McKay requested me to state the principles on which I thought the report should be prepared. I said I would state the fact of the falsification, and that it was done by the proof-reader of the printing-office—to express disapprobation of the altering of documents at the Printer's without authority, and especially on matters so material; to state also the interpolation of the word "negros" in the copies and translation of the permit to Ruiz, and the omission of the name of "Francisco" from the copy of the translated permit in the manuscript from the Department of State. All this McKay and Medill thought was not within the commission. And I asked how the printing-office and the Department would stand with a report of the falsification, and the name of the falsifier, Trendholm, the proof-reader. Medill thought the reference to the testimony would be sufficient.

McKay was more wary. After much discussion, he proposed that I should draw up a report according to my own views and lay it before the committee; to which I agreed.

In the House, the day was consumed upon a memorial from the Legislature of the State of Illinois, and a motion of Reynolds to refer it to the Committee of Public Lands, with instructions to report a bill to graduate the price of the public lands down to nothing. This started the land-robbery passion, and Reynolds, Pickens, W. Cost Johnson, and Hubbard, of Alabama, kept it up till near three, when, immediately after a refusal to adjourn, by yeas and nays, the House did adjourn over to Monday without them.

Frank Thomas, Chairman of the Committee of Naval Affairs,

came to me in his own way to tell me that he was going to call up immediately his bill *concerning* the Navy Pension Fund, which, he said, could not take five minutes to pass, and asked whether I had any particular enquiry to make about it. I found he knew nothing about his own bill, and set him upon his enquiries.

27th. I must distrust my opinion upon points of law. In attempting to resume this evening the preparation for the case of the Amistad captives, I meet immediately the question, what right Lieutenant Gedney had to seize them on the shore of New York, or the vessel on the high seas. I can find no such right; and yet I foresee too clearly that I shall either not be allowed to make the question, or that it will be suppressed without even being answered. Oh, how shall I do justice to this case and to these men?

28th. At the House, Thomas, Chairman of the Committee of Naval Affairs, called up the bill appropriating upwards of one hundred and fifty-one thousand dollars to pay the navy pensions to be due on the 1st of next month. The House went into committee of the whole on the state of the Union, McKay in the chair. The Speaker first called me to the chair, but I asked him to excuse me, as I intended to address the committee on the bill. I did so, and opened a debate not soon to close. The bill was reported to the House. Charles Shepard moved a second section, repealing the Navy Pension Act of 3d March, 1837; which was carried, by yeas and nays—eighty-one to seventy—and the bill passed.

29th. I attended the meeting of the Committee of Manufactures. Present, Adams, Nisbet, Tillinghast, Slade, Mitchell, and Davis; absent, Dromgoole, Worthington, and Eastman. I brought the bill for suppressing frauds on the revenue immediately before the committee, and the report in the New York Herald of the meeting of the New York merchants, and the speech of the Scotchman, Robert Jaffray, against the bill. I read also Bennett's remarks in the Herald upon the debate in the House of last Wednesday, and on the letter then read in the House from Robert Jaffray to James Monroe. Bennett fiercely insists on the accuracy of the report, and defies Jaffray to his teeth.

Nisbet said that Bennett's New York Herald was utterly unworthy of credit, and he would not believe any charge contained in it against any man. Other members of the committee were not so incredulous. They thought Mr. Jaffray's letter a very equivocal denial. After some discussion upon the bill, Mr. Slade moved that the Chairman be directed to report the House bill of the last session, No. 100, as amended by the Senate, without the sections added by the Senate. This, after some opposition from Nisbet, was agreed to by the committee, and the question was postponed to the next Tuesday at half-past ten whether the Senate bill should also be reported.

When I entered the House, I found them debating a motion by Giddings, of Ohio, to reconsider the section of the Navy Pension Appropriation bill repealing the Act of 3d March, 1837, moved yesterday by Charles Shepard, and carried; and the bill actually so passed. This debate continued about an hour, and I took part in it. Shepard rose, and began to reply —when a message from the Senate announced the death of Felix Grundy, a member of that body from Tennessee; whereupon A. V. Brown pronounced the regular eulogy upon him, and moved the crape-veiled resolutions and the immediate adjournment of the House. Adopted, of course. I went to the chamber of the Committee of Manufactures, drew up a short report on the falsified document, and assorted papers for publication.

30th. I went to the Capitol an hour before the meeting of the House, and spent it in preparing the bill for the more effectual collection of the revenue, to be reported to the House, and I gave it, with the draft of a report on the falsified document, to Mr. Berry, of the Clerk's office, to be copied. At the meeting of the House, I asked leave to present the four resolutions in relation to investments of public moneys in the stocks of the States, and the sales of such stocks, which I had prepared at the last session of Congress, but which the House then refused to receive. No objection was now made to receiving them, and the Speaker was about taking the question upon their adoption—when Cave Johnson objected, and they

were laid over, with an order that they be printed. Samson Mason asked leave to introduce a resolution of enquiry concerning the cost of certain Indian schools stipulated by treaties; but Cave Johnson stopped that, as being out of order, insisting that Charles Shepard had the floor on the motion to reconsider the section of the Navy Pension Appropriation Act which repeals the Act of 3d March, 1837. Accordingly, Shepard proceeded for about an hour in a venomous, sophistical, and unprincipled speech, in which he vented a long-gathering burden of spleen against me; for which I had in readiness a castigation I shall not be allowed to administer—for, after Shepard finished, several other members discussed and discoursed upon the Act of 3d March, 1837, almost without touching upon its real merits, till three o'clock, when Jameson, of Missouri, moved the previous question; which cuts off my right of reply. A motion was then made and carried to adjourn.

Brockway has got up a subscription to print my speech of Monday in a pamphlet. I called at the office of the National Intelligencer, and took from Mr. Seaton a couple of copies of this day's paper, in which the speech is reported by Wheeler, to revise it; which I was yet not able to do this evening.

31st. I had yesterday notified the members of the committee on the falsified document to meet this morning to consider the report that I had prepared to be presented to the House. Mr. Dennis is gone home to keep the Christmas holidays, and Mr. Barnard forgot my notification: so that McKay and Medill were my only associates at the meeting. In the discussion at the last meeting upon the principles on which the report should be drawn up, I had proposed to touch upon the other mutilation of the document charged by Judge Jay, upon the practice of allowing proof-readers to depart from their copy in the printing of public documents, upon the omission of one of the names of the forty-nine negroes in the translation of the passport for the ladinos of Ruiz, in the document from the Department of State, whence I inferred that it had been transmitted from the Department without being collated—to all which McKay and Medill had objected, and said it was not within the authority of the committee; that they were charged only to report facts;

and that all these circumstances to which I alluded might be very proper for a speech, and not for a report.

I told them then what the consequence of their tight lacing would be; but I prepared the report according to their measure, simply stating the fact of falsification, and by whom it was committed—referring to the testimony without one word of comment.

It did not suit them. They wanted to acquit the proof-reader of all bad intention, and the House Printers of all responsibility, the Administration of all knowledge or participation in the wrong.

I said, if the report must give opinions, I could not forbear to pass censure upon all those parties.

It came to be twelve o'clock. They did not know whether to agree to the report or not. They would consult together and let me know. McKay took the testimony, which he afterwards returned to me in the House, but postponed telling me whether they would agree to my report or not.

In the House, numerous bills from the Senate were twice read, and referred; and two messages from the President—one of them the answer to my call for documents relating to China. I reported from the Committee of Manufactures (a bill) for the more effectual collection of the revenue. Pickens attempted to prevent it from getting in, but failed. Referred to the committee of the whole on the state of the Union. I asked Jameson to withdraw his motion for the previous question, to enable me to reply to Charles Shepard. Jameson refused. I appealed to the justice of the House—in vain. They sustained the previous question, and refused to reconsider.

January 1st, 1841.—A New Year's day congenial to the season—of snow, hail, and sleet from morn to eve—the consequence of which was that I was confined the whole day to the house, and that our annual visitors, usually numbering at least two hundred, scarcely amounted to seventy. Most of them were members of Congress, some of them with their wives and daughters; and they came after the usual visitation to the President of the United States at the White House.

The numbers there were also much reduced from those customary on the occasion, and consisted chiefly of the Whigs—the President's adversaries. His own party deserted him.

> "Donec eris felix, multos numerabis amicos;
> Tempora si fuerint nubila, solus eris."

There is perhaps no occurrence in human affairs which more uniformly exemplifies this propensity of human nature than the exit of a President of the United States from office. Among my visitors this day were the late Governor of Pennsylvania, and George Bancroft, the Collector of the Port of Boston—men who in different ways have taken prominent parts in the political struggles of the time, and have experienced great vicissitudes of popular favor. Joseph Ritner was elected Governor of Pennsylvania, by the prevalence of Anti-Masonry, in 1836. He lost the election in 1839, by the anarchy of Jacksonism and the mob-law of Harrisburg. Last November he was chosen an Elector of President and Vice-President of the United States for the State of Pennsylvania, and, with his colleagues, gave the vote of the State to William Henry Harrison as President and John Tyler as Vice-President.

Isaac E. Holmes, of Charleston, South Carolina, comes to demonstrate his chivalry in setting aside all party feelings one day in the year. Mr. Clay had the face to say to the President that nothing but devotion to *him* could have induced him to come out from his lodgings in such a day as this. Clay crows too much over a fallen foe. I have no time even to meditate, as usual, on the close of one year and the opening of another, on the blessings and trials of the past, and on the prospects and duties of the future. The year just expired has been full of gracious providences, calling for the deepest gratitude, and of warnings, which I have not sufficiently regarded. May I be wiser in the time to come! What I most want is firmness to rule my own spirit and to resist with cool composure influences from abroad. I took up for a couple of hours this evening the case of the Amistad captives.

2d. Governor Lincoln came alone, and I had a long conversation with him on the present state and prospective movements

of parties. The Governor gave me to understand that he knew Webster was to be Harrison's Secretary of State, but left it rather uncertain whether he had it from himself or from good authority. He said that Mr. Stephen C. Phillips had told him he had it directly from Webster. I asked him whether Mr. Webster had consulted or communicated with him concerning any measures which were to indicate the principles upon which the Administration would be conducted. He said Mr. Webster had once commenced a conversation with him, in which he had answered some enquiries by assurances that all would be right —that the expectations of the friends of General Harrison would be gratified, but that he had not then time to enter into details; and thus avoided all specification.

I enquired if he knew who was to be the Secretary of the Treasury, and whether John Sergeant or Thaddeus Stevens was to be the representative of Pennsylvania in the new Administration.

He did not know. He had attended several meetings of the Whig members for consultation and comparison of opinions, but had found so much dissension among them that he had ceased to attend the meetings. He had heard at the commencement of the session much and loud interest among the Pennsylvanians in the appointment of Mr. Sergeant to the Treasury, but within the last fortnight all this has been hushed, and he had not heard even the name of Mr. Sergeant mentioned. Mr. Thaddeus Stevens is now here, and has been for some days; and there is much said of his claims to notice and distinction from General Harrison and his friends; and there seems to be an effort from the western part of Pennsylvania for the exclusion of Sergeant from the Harrison Cabinet.

I said that Sergeant was an old and intimate friend of mine, a very able and very honest, though a timid, politician; that I should be glad to see him at the head of the Treasury Department, and at this moment I supposed the fact of his appointment or exclusion would disclose the policy of the Harrison Administration for or against a national bank.

I had also some conversation, but not of much import, with Mr. Saltonstall. I dined with my neighbor Mr. Daniel D.

Barnard, member of the House of Representatives from the Albany district of New York. Mrs. Barnard, his daughter by his first wife, Cora, and his little daughter by his present wife, Sarah, were there. Major-General Winfield Scott, Daniel Jenifer, member from Maryland, and William Crosby Dawson, member from Georgia, and nominated candidate for Governor of that State, were the company; and it was one more of school-boys in the holidays than of military commanders and gray-bearded statesmen. The motto of the meeting was Swift's—"Vive la bagatelle."

4th. I went to the House this morning an hour before its meeting, and prepared my petitions for presentation. T. B. King, of Georgia, took his seat, and Francis Mallory appeared and was sworn as a member from the Norfolk district of Virginia, in the place of Holleman, resigned. A letter from Garland, the Clerk, in answer to the complaint of Blair and Rives, was referred to the select committee on the subject.

The States were called for petitions, and I presented five, from numbers sixteen to twenty-one—one of which was refused to be received; two for rescinding the gag-rule. I moved the reference of each of them to a select committee, with instructions to report a resolution to rescind the rule; Linn Banks moved in each case to lay on the table; and they were laid on the table; two petitions, numerously signed, from the State of New York, referred to the Committee on the Judiciary, the Chairman of which, John Sergeant, has been here scarcely three days since the commencement of the session.

The committees were called for reports. McKay and Medill ungraciously consented that I should present the report which I had prepared on the falsified document No. 185; which I accordingly did present. It concluded with a motion that the committee should be discharged from the further consideration of the subject; which was adopted, and the report and testimony were laid on the table and ordered to be printed.

After the reports of committees, Mr. D. D. Barnard's resolution for a call on the Secretary of the Treasury relating to the state of the finances, came up. It was already long, and he lengthened it by a modification. He had spoken less than half

an hour, and was proving the smaller blunders in the report of the Secretary, when a message from the President came in. Albert Smith immediately began to bustle and wriggle about the House to get at the message. He finally moved to proceed to the orders of the day; which was carried, by yeas and nays —seventy-nine to sixty-two.

The message contained a sharp correspondence between the Secretary of State and the British Minister, Fox, which kindled a fagot flame in the House; it burnt fiercely for upwards of an hour, and ended by a reference to the Committee of Foreign Relations, of the message. The remarkable part of this affair is the tone assumed by Fox at this time. Immediately after the reference of the message, the House, at twenty minutes past three, adjourned.

5th. Mr. Martin, Chief Clerk in the Department of State, came this morning to say that there would yet be some days before the answer could be transmitted to the call for documents relating to our intercourse with China. The message received some days since from the President was in answer to another call.

I met the Committee of Manufactures this morning at half-past ten. Present, Adams, Nisbet, Tillinghast, Davis, Slade, Mitchell, Eastman; absent, Dromgoole and Worthington. There was a long discussion upon the expediency of reporting the remainder of the bill to secure more effectively the collection of the revenue, lost at the heel of the last session; that is, the additional bill, which the Senate tacked upon the one which had passed the House. Tillinghast proposed and urged it upon various considerations. Davis, of Pennsylvania, who at the last session struck with palsy all action of the committee and of the House in favor of the manufactures, and lost his election for this subserviency to the Southern policy, was now quite obstreperous for this revision of the tariff at this time.

Slade rather inclined to report the Senatorial revenue splice upon our bill; but I wished to amend it and make it more intelligible.

Nisbet was utterly against reporting the bill at all; and so

was I. He moved to lay the whole subject on the table for the remainder of the session.

After much debate, it was agreed to postpone the further consideration of the subject for the present; and I gave notice of my intention to move again the resolution which I lost in committee at the last session. The letter from the Secretary of the Treasury to me, with five enclosures, was read, and two or three references from the House; and the committee adjourned to next Tuesday morning at half-past ten.

6th. A boy came from the Globe office this morning, with the copy of my report, made by a clerk in the office of the Clerk of the House, in the case of the falsified document No. 185, and sent to the Globe office to be printed. There was a mark in red pencil under the letter "a" in the word "ladino," in the second specification of variance from the manuscript, in the printed document. The boy's enquiry was whether the word at this place in the manuscript should not be "ladina." I took the paper to the Capitol, and, on comparing it with the manuscript from the Department of State, found the word was "ladina," wrote with a black pencil on the paper that it should be so, and gave the paper to Mr. Berry, of the Clerk's office, to be sent immediately back to the printing-office.

The whole of these transactions goes to prove the extreme difficulty, and yet the extreme importance, of printing and of copying manuscript correctly, especially of public documents. It teaches a prudent man to be vigilant for the detection of errors, and a candid man to be distrustful of his own suspicions in the imputation of motives. I have discovered several errors of translation, of copying, and of printing, in these documents, and especially both in the manuscript record transmitted from the Circuit to the Supreme Court, and in the printed copy of it. I went into the library and borrowed the fourteenth volume of Peters's Reports, a volume of the Laws of New York, containing the Constitutions of the States, and Jefferson's Notes on Virginia.

In the House, John W. Jones, Chairman of the Committee of Ways and Means, reported the Army Appropriation bill.

I enquired when the Civil and Diplomatic Appropriation bill might be expected; he said, within thirty days from the time of the appointment of the committee, allowed by the rule.

7th. Mr. Van Ness called upon me this morning, and spoke of his argument before the Supreme Court of the State of Vermont in the case of Dr. Holmes, the Canadian murderer. I had enquired of Mr. Slade whether he could furnish me that argument. He said he would ask Mr. Van Ness himself for it, he being here. Mr. Van Ness now told me that he had not a copy of it at hand, but observed that he had sent one to Mr. Isaac Fletcher, a member of the House from Vermont, for me, last summer—which is true, but I have mislaid it. Mr. Van Ness is here engaged with some claims before a joint commission for the settlement of certain claims against the Mexican Government; and he enquired what had been the reason for inserting, in the Florida Treaty with Spain, in the article establishing a commission for the adjustment of claims, a limitation of the claims to those in support of which the interposition of the Government had been solicited. I told him it was for the sake of including within the reference the claim of Mr. Mead, which Spain might otherwise have excluded, as one with which the Government of the United States had no right to interfere.

8th. Trendholm, the proof-reader of the Globe office, came, in great agitation, with a proof-sheet of the report of the select committee on the falsified documents, in which he wanted me to authorize him to interpolate a whole sentence in his exposition of his reasons for changing the words "ladino" and "ladina" in the manuscript to "*sound*" in the printed document. His additional sentence was of no sort of consequence; but he thought it would fortify his defence. I assured him that his new paragraph was not necessary; but that if it was I could not authorize the alteration of an iota from the manuscript.

Curtis, from the Committee on Commerce, offered a bill for granting a register or license to the schooner L'Amistad. Pickens objected; but Curtis moved a suspension of the rules —which was carried, and the bill was read three times and passed. Turney moved to adjourn, because it was the 8th of

January. Stanly called for the yeas and nays; which were twenty to one hundred and fifteen. One private bill was rejected, and one passed to the third reading. Adjourned at three.

9th. I had received yesterday a letter from the four persons first named in the margin, announcing themselves as a committee from the importing merchants of New York, and requesting an interview with me at my convenience. I answered that I would with pleasure receive them at my house at ten o'clock this morning. They accordingly came, and said they had been appointed to represent the objections of the importing merchants of New York against parts of the bill No. 556 of the present session, to insure the more faithful execution of the laws relating to the collection of duties on imports. They declared themselves anxiously desirous for the suppression of frauds, and would not object to most of the provisions of the bill, though they believed the existing laws amply sufficient, if faithfully executed; that the frauds which had been committed by the Yorkshire importers at New York had been effected by corrupt connivance of subordinate officers of the Customs, and not by any defect in the law.

I heard all they had to say, and told them that the Committee of Manufactures would meet next Tuesday morning at half-past ten; and I proposed to them to attend that meeting, and to come prepared with their objections to the bill reduced to writing; to which they assented. As they went out, Miss Margaret Monroe Stuart came in—a maiden lady, who, in the compass of half an hour, uttered in one continued stream more good words than I could record in three months. Her sister is the wife of Captain Gedney, who is here very sick, and, she fears, not very sound in mind. She came to entreat me that, in arguing the Amistad case before the Supreme Court, I would not bear hard upon Captain Gedney, for she fears it might kill him, and she is sure it would kill her sister.

I assured her that I would have all due consideration of the condition of Captain Gedney.

In the House, my resolution-call upon the Postmaster-General for a list of Postmasters removed came up, and was entan-

gled with a budget of seven controversial resolutions about the powers of the President and the rights of the House. The Speaker pronounced this amendment, proposed by Hopkins, in order. I appealed. The appeal was laid on the table—ninety-five to eighty. The House refused to lay the whole subject on the table—ninety-two to eighty-five. The resolution and amendment were ordered to be printed. In the Clerk's office of the Supreme Court I found my name on both rolls of attorneys and counsellors, 7th February, 1804.

11th. It was the day for the presentation of petitions in the House, and I attended at the commencement of the sitting, but immediately after the reading of the journal I moved an amendment of it. The entry was, that Hopkins had moved to strike out of my resolution-call on the Postmaster-General all after the word resolved, and insert his eight resolutions. But he did not move to strike out any part of my resolution, but only wished me to accept his in addition to mine.

The Speaker said it was so, and directed the amendment to be made in the journal.

French, the Chief Clerk, came to my seat and showed me Hopkins's resolutions, in which there was not a word about striking out mine; but French said he thought it was necessarily implied.

The Speaker then immediately announced the special order of the day — the contested Pennsylvania election — and that Naylor had the floor. He occupied it about three hours in answer to Charles J. Ingersoll, and, being much exhausted, yielded to a motion for adjournment by Toland.

John W. Jones, by general consent, reported from the Committee of Ways and Means the Civil and Diplomatic Appropriation bill, and the House adjourned after three.

12th. This John Landis styles himself a painter of sacred history—a Dunker, with a long, thick, coal-black beard, a poet in his own estimation quite equal to Milton; a painter of two wretched daubs, which have been suspended in the rotunda for sale, and which he urged me to purchase. I told him I could not afford to buy pictures. He said it might be a very profitable investment of money; for that pictures, for example,

of Raphael, Titian, Rubens, or West, increased greatly in price the older they grew. The man is poor, and feeds upon his fancies.

Meeting of the Committee of Manufactures. Present, Adams, Tillinghast, Nisbet, Davis, Eastman, and Slade; absent, Dromgoole, Worthington, and Mitchell. The committee from the New York importing merchants attended, and presented a printed statement of the amendments which they proposed to the bill, which they verbally explained and expounded. Some of the amendments will probably be recommended by the committee to the House. Their deportment was far more respectful to the committee than that of the last summer had been. Underwood appears to be the most intelligent of the four. Hutton was of the last summer's committee. Swan and Bent are said to be deeply concerned in foreign houses, and I have received anonymous letters from New York tending to raise distrust of them all. But, as I always distrust anonymous letters, I give little credit to them.

Naylor gave way for the morning hour. Sergeant, from the Judiciary Committee, reported sundry bills from the Senate; to one of which, concerning the abolition of imprisonment for debt, I proposed an amendment, which, after some discussion, was rejected.

Naylor resumed his argument in support of his election and in answer to C. J. Ingersoll, till three o'clock, when the House adjourned. Meantime, Mr. Roger Sherman Baldwin, of New Haven, counsel for the Amistad prisoners, came into the House, and I had a long conversation with him, first without the bar, and then in the chamber of the Committee of Manufactures, concerning their case. He read me his brief, which I signed with him. He proposes to begin with a motion to the Court to dismiss the case, on the ground that the United States, having no interest in the case, have no right to appeal from the decision of the District Judge. I must follow him, but know not yet how to order my speech aright.

13th. Attended first at the Supreme Court, which meets at eleven o'clock. The Chief Justice and six other Judges were on the bench, but the Judges Story and Thompson were not

there. A land cause, in which David B. Ogden and F. Key were the counsel of the parties, was taken up. I met Mr. Baldwin there, and introduced him to the Attorney-General, Gilpin. After a few minutes, I took Mr. Baldwin into the Congress library, introduced him to the librarian, Meehan, and went with him into the library-room of the Supreme Court. There I left him looking up the books that he wanted, and went into the House, where, immediately after the reading of the journal, Naylor resumed his argument, and continued till past three o'clock, without finishing. I had heard enough on both sides to satisfy me of the vote that I am to give in the case; and I went into the Senate-chamber to speak to Mr. Webster about the bill for granting certificates of enrolment to the purchaser of the Amistad. The Senate-chamber was full of members of the House, listening to an argument against a pre-emption bill of Benton's and an amendment of Calhoun's to give away the public lands. I heard Preston for about an hour, and think him the most accomplished orator now in the House. Oh for his elocution!

I returned to the House, and moved that the bill No. 311 of last session, to increase the duties on the importation of silks, should be made the special order of the day for this day fortnight. Opposed by John W. Jones and all the South. After a short discussion, question taken, by yeas and nays—sixty-four to fifty-two; no quorum, and adjournment moved by Hubbard, of Alabama, and carried.

14th. To the Capitol, where I went into the Supreme Court room just before the Judges came and opened the Court. F. Key, the District Attorney, came to me and enquired when the case of the blacks was to come on. I said we had filed a motion to the Court to dismiss the case, which, I understood, was to come up for argument on Saturday. He said he was afraid there was not any chance for the poor creatures; that the case of the Antelope was precisely in point against them. He had argued that case for the freedom of the negroes, but it had been overruled. Yet it would never do to send them back to Cuba. The best thing that could be done was to make up a purse and pay for them and then send them back to Africa.

I said we hoped to prove that the case of the Antelope would not be conclusive in its bearing upon our clients; but he continued very positive in the impression that it would. I went, therefore, into the Supreme Court library-room, and took out the volume of Wheaton's Reports containing the case of the Antelope. I read as much of it as I could, and longed to comment upon it as I could; but I have neither time nor head for it—nothing but the heart.

In the House, after the reading of the journal, the question upon making my Silk bill the special order for Wednesday, the 27th, was the first thing that came up. I moved for a call of the House; which was refused. The vote on the question's being taken was seventy-nine to sixty-five; and, the majority not amounting to two-thirds, my motion was lost.

After some snarling by Rives, of Virginia, Naylor resumed his argument in support of his right to his seat. He increased in vehemence as he proceeded, till, in hoarseness, he almost lost distinct articulation, and at a quarter-past three he concluded—not that he had finished, but from absolute exhaustion.

Ingersoll rose to reply; but the House adjourned, after a suspension of the rules for John W. Jones to move to make his five-million Treasury Note bill the special order for next Monday. Barnard moved an amendment, to instruct the Committee of Ways and Means to bring in a bill for a loan of ten millions of dollars, and to levy duties on silks, wines, and spices; but the Speaker declared it not in order. Willis Green offered a resolution of much the same purport, but could not obtain a suspension of the rules to offer it. D. D. Barnard, from the Committee on the Judiciary, did obtain leave to report the bill which passed the Senate at the last session. He moved to make it a special order; but the House adjourned.

Waddy Thompson came to my seat and enquired what allowances were made to Ministers going abroad. I told him, and asked if he had any particular interest in making the enquiry. He said, in confidence, that he had.

I pursued this evening my examination of the documents in the case of the Amistad captives, but am yet utterly unprepared for the argument.

15th. Called at the Department of State, where the Chief Clerk, Mr. Martin, showed me the letter from Holabird, United States District Attorney in Connecticut, of 21st September, 1839. In the manuscript document printed as No. 185 of the last session, and in the printed copy of it, this letter is made to state that the United States Circuit Court had decided that it *had* jurisdiction of any offence committed by the blacks on board of the Amistad. The word "*no*" after "*had*" in the original letter was omitted in the manuscript copy transmitted to the House, and in the document. I said that I should want a certificate from the Department that this word "*no*" was in the original letter.

Martin said he would send me a certified copy of the letter; but I knew he would not, for, on reading the letter, I saw it was garbled in the copy transmitted to the House. In the letter, after stating that the Court had doubts as to the habeas corpus, he declares his fears of the result, and adds, "I should regret extremely that the rascally blacks should fall into the hands of the abolitionists, with whom Hartford is filled." Meeting Mr. Barnard in the Court library, I told him that Martin had promised me a copy of Holabird's letter, but that he would break his promise; and I repeated to him the suppressed paragraph.

In the House, D. D. Barnard's motion to make the Bankrupt bill the special order for the 28th was rejected—fifty-seven to ninety-seven. C. J. Ingersoll replied in a speech of nearly two hours to Naylor, who rejoined with a few words. Jameson then moved the previous question, on the resolution of the majority of the committee. There was a call of the House, sundry dilatory motions, all voted down, the previous question carried, and the resolution, that Naylor was duly elected for the Third Congressional District of Pennsylvania, adopted—one hundred and seventeen to eighty-five; and the House adjourned. I heartily congratulated Naylor. Evening deeply absorbed in the Amistad.

16th. This day the motion, signed by Mr. Baldwin and myself, and filed by him in the Supreme Court, to dismiss the appeal by the United States from the decree of the District

and Circuit Courts in the case of the Amistad captives, was to have been argued, Saturday being, by the rules of the Court, the weekly day for the argument of motions. I was not half prepared, and went to the Court with a heavy heart, full of undigested thought, sure of the justice of my cause, and deeply desponding of my ability to sustain it.

When the Court was opened, the Chief Justice, Roger B. Taney, said that the Court had thought it best to postpone the Amistad case to await the arrival of Judge Story, who was expected to be here on Monday or Tuesday. It was desirable that there should be a full Court for the hearing of the case, and the Court would take it up on any day of the week immediately after his arrival.

Mr. Baldwin stated that he was under the necessity of leaving this city next Saturday, to attend a Court in Connecticut. The postponement of the case afforded me a momentary relief, but left a state of suspense scarcely less distressing than the agony of the ordeal itself.

In the House, Toland came to my seat and said there was talk of a motion to reconsider the vote of yesterday, declaring Naylor entitled to his seat, and enquired if I thought such a motion was receivable upon a decision of the House in its judicial capacity. I said it ought not to be; but that I could answer for nothing from the majority of this House.

He said if the motion should be made he should resist it, and asked if I would sustain him. I said I would; but the motion was not made. Campbell, Chairman of the Committee of Elections, moved a suspension of the rules for a resolution authorizing the allowance of the pay and mileage of a member from the commencement of this Congress till the decision of the House against him. But, instead of a vote of two-thirds, he could scarcely obtain a vote of one-third of the House to suspend the rules.

17th. This evening I received a letter from Mr. Henry Stephen Fox, the British Minister, requesting me to appoint a time to see him, to have some conversation with me concerning the case of the Amistad captives, in behalf of whom he is instructed by his Government; and he wishes my ad-

vice in the event of a judgment of the Supreme Court against them.

18th. I rode to the Capitol, and first went into the hall where the Supreme Court were in session. Mr. Webster was there, and commenced an argument in behalf of Inerarity and Forbes, appealing from a judgment of the Territorial Court in Florida in favor of the United States upon their title to the land upon or around which the fort of St. Mark's is situated. A Secretary of State pleading against the title of the United States to their fortresses has an aspect of incongruity; but Webster is not yet installed as Secretary of State. Mrs. Webster was there.

Mr. Baldwin told me it was expected that Judge Story would leave his home, Cambridge, this day, and reach here on Wednesday.

Mr. Fox came, and conversed with me concerning the Amistad case. He has not had any correspondence with this Government on the subject, and I advised him to address a note to the Secretary of State concerning it, immediately. He said he would prepare one and call on me again to-morrow evening and show it to me. He said he had recently heard, with great surprise, that the decision of the Supreme Court would be to deliver up these unfortunate men.

19th. The Speaker announced the special order of the day, the Treasury Note bill. John W. Jones, Chairman of the Committee of Ways and Means, was not in the House. Atherton moved to go into committee of the whole on the state of the Union. The Speaker invited me to the chair. I said I had engagements which would occasionally call me out of the House, and asked him to excuse me. He successively called Dawson and Linn Banks to the chair, each of whom asked also to be excused, and he finally called Casey, of Illinois, who took the chair. Mr. Barnard, in about an hour and a half, finished his speech on the state of the finances—a complete, comprehensive, minute analysis of the condition of the Treasury. He was followed by Evans, of Maine, a member of the Committee of Ways and Means, who clinched the nail in the coffin of this Administration. But Barnard and Evans are "rivaux

de tribune," so that with the same political views of the evil they disagree about the remedy. Evans opposed Barnard's amendment, adhering to the bill.

While Evans was speaking, I went into the Supreme Court, the Senate-chamber, and the Court library, in search of Mr. Baldwin. He came in while I was in the library-room. I told him, in confidence, of my interview with Mr. Fox last evening, and I asked him to look into authorities for the doctrine of continuity of voyages in cases of insurance, which I thought would apply to the case of the Amistad as a slave-trader. Returning to the House, I found they had adjourned.

At seven this morning, Mr. Fox came, and I had a conversation of an hour and a half with him on the Amistad case. He had not prepared his note to Mr. Forsyth, but said he would send it in to-morrow. He left with me two folio pamphlets of documents laid before Parliament, relating to the slave-trade.

20th. I received this morning a private letter from Mr. Fox, with another folio pamphlet of correspondence with foreign powers, relating to the slave-trade, laid before the British Parliament. Those which he left with me last evening were Class B further series, 1839–40; Class D, and Class D further series, 1840, came this morning. On looking into it, I found I should want Class C; but I can as yet make no time to read any of them.

The correspondence between the Governors of New York and Virginia has absorbed two of my evenings, and is of awful import. Its most alarming feature is the tameness of tone on the part of W. H. Seward, the Governor of New York, and the insolence of Hopkins, the Lieutenant-Governor, and of Gilmer, the Governor of Virginia, throughout the whole correspondence.

By an agreement this day between Mr. Baldwin and the Attorney-General, Gilpin, the Supreme Court postponed the Amistad captives' case till the 16th of February; and Mr. Baldwin left the city this afternoon to return home. This gives me a long respite for further preparation; but my senseless distribution of time leaves me none for this all-important claim. I went into the Senate-chamber and heard a closing

debate on Benton's Pre-emption bill. Sharp-shooting between Henry Clay and the sneaking scrivener, Buchanan. My whole evening was engrossed till midnight with two heavy mails of letters, legible and illegible, and dull pamphlets and newspapers. Not five minutes for the Amistad.

21st. At the House, before going into committee of the whole, Carr, of Indiana, moved to take the morning hour to call the States for petitions; which was carried. The Speaker began with Maine, New Hampshire, Massachusetts. About a dozen petitions were presented before it came to my turn. I had upwards of thirty to present. I presented only five, three of which were referred to appropriate committees. The other two contained each three several prayers: 1, the abolition of slavery and the slave-trade in the District of Columbia; 2, the prohibition of the slave-trade between the States; 3, to refuse the admission of any new State whose Constitution tolerates slavery. I moved the reference of each of them to the Committee on the Territories.

The Speaker said that only the prayer of a refusal to admit new slave States could be received—whereupon Connor, of North Carolina, moved that this part of each of the petitions should be laid on the table; which was done. But, upon my remarking that the petitions must be cut in two, Black, of Georgia, and Wise, of Virginia, took fire, and blazed into a conflagration with me, with each other, and with the Speaker. The votes of laying on the table the receivable parts of the petitions were reconsidered by yeas and nays—one hundred and four to fifty. Black appealed from the Speaker's decision. Wise insisted that the petitions had not been received. I braved them both. The House got into a snarl. The Speaker knew not what to do. The morning hour expired, and Lewis Williams called the orders of the day. Black fumed and raved, and moved to suspend the rules to take the question on his appeal; but they would not give him the yeas and nays, and refused to suspend the rules.

Went into committee of the whole on the state of the Union, Casey in the chair, on the Treasury Note bill. Waddy Thompson made a frothy, trashy, silly speech, and Rhett made part of

one, alike senseless, against him. The committee rose, and the House adjourned.

22d. Of my visitors last evening, Joshua Leavitt is the editor of the "Emancipator" newspaper at New York. The pamphlet review of the Amistad case, of which Martin, the Chief Clerk in the Department of State, gave me a copy, was published with a blown-bladder puff in the Globe of the instant. It is known to have been written by Pickens, the member of the House from South Carolina. In the New York Evening Post, an Administration paper, there was published an answer to it, ably written, by Theodore Sedgwick, Jr. I had spoken to Mr. Seth M. Gates to get up applications to the editors of the National Intelligencer and the Globe to republish the article in the Evening Post, in their papers. Mr. Leavitt told me that he had requested its publication in both papers, and had been refused. I advised him to get the refusal in writing.

At the House, Black was in a stew to get up his appeal from the decision of the Speaker about abolition petitions. He moved a suspension of the rules, to take up his appeal for the morning hour. I asked the Speaker if taking up the appeal would include the presentation of petitions. He thought not; but, without giving the yeas and nays, (the House) refused to suspend the rules. Russell, Chairman of the Committee of Claims, pleaded hard for one day of private business—in vain. He moved a suspension of the rules; rejected—seventy to one hundred and four. Committee of the whole on the state of the Union, Casey in the chair, on the Treasury Note bill. Rhett finished his anti-tariff speech—most excellent senseless; and was followed by a modest, sensible, and eloquent speech by Nisbet—anti-tariff also, but rational and candid. The committee rose.

H. Everett offered a call upon the Secretary of the Treasury for a list of articles dutied under twenty per cent.; but objection was made, and the House adjourned. Curtis obtained for me from the Department of State N. P. Trist's dispatches relating to the African slave-trade. I took them home with me.

23d. I went into the Supreme Court, and found Judge Story was sitting in his fauteuil, which he left to come and shake

hands with me. I enquired of Richard Peters, the reporter, if there had ever been a case in which the Executive of the United States had made them parties to a suit against individuals at the instigation of a foreign Minister. He knew but of one case, and that was one affecting the personal privilege of the Minister himself. I asked Peters for the form of a motion to amend the record in the case of the Amistad captives. He stated in general terms the form.

I went into the House, and, while Thompson, of Mississippi, was discoursing about tariff and compromise and Treasury notes, I wrote a motion for a "certiorari" to the Clerk of the United States Circuit and District Courts in Connecticut to amend the record by furnishing copies of the proceedings of the District Judge, Andrew Judson, on board the Amistad upon her being first brought into New London; of all the warrants of seizure, with the Marshal's returns thereon, the monitions and returns thereon, and the writ of habeas corpus, with the decision of the Circuit Court upon it; the bills of indictment filed by the District Attorney against the captives; the proceedings of the grand jury; the charge of the Circuit Judge to them; and the final disposal of the indictments. I returned to the Court; showed the motion to Mr. Peters, who said it was in due form.

I took a moment of the Court's leisure, made the motion, and read it. The Chief Justice, Roger B. Taney, directed me to file the motion, and said the Court would take it into consideration.

Returning again to the House, I found Henry S. Lane, a new member, from Indiana, hacking and slashing against the Administration in answer to Thompson, of Mississippi. When he closed, Dr. Duncan, of Ohio, took the floor, and the committee rose. Horace Everett attempted to get up his call upon the Secretary of the Treasury, but Wise flounced and flouted against it, and a motion to adjourn, rejected by yeas and nays, with less than a hundred members in the House, was immediately after carried without a count.

25th. The Court directed the certiorari to issue to the Clerk of the United States Circuit Court for the District of Con-

necticut, for which I had moved on Saturday. My motion had been that the certiorari should go to the Clerk of the District and Circuit Courts.

The Attorney-General, Gilpin, did not object to the issuing of the writ, but insisted that it must be directed only to the Clerk of the Circuit Court. The same man is the Clerk of both Courts; and I said that what I wanted was the papers, and was perfectly willing to accommodate the Attorney-General as to the form of the order. I had moved the direction of the writ to the Clerk of both Courts only as a designation of the person, and the proceedings of the two Courts in the case were so blended together that I had no small difficulty in discriminating the papers which emanated from one of the Courts from those which belonged to the other—a difficulty in the perception of which I had not been alone. The anticipated warrant of the President of the United States to Lieutenant Paine, commander of the Grampus, to receive and convey the negroes to Cuba, of 7th January, 1840, stated them to be in the custody of the Marshal, under process pending before the Circuit Court. It could not have stood the test of a habeas corpus. So the order was sent by the District Attorney to the Department of State for correction, by striking out Circuit and inserting District Court, and was accordingly so corrected—by whom it does not appear. Judge Thompson said that the proceedings in the District Court had been revised by the Circuit Court, and the record of them all must be there. The writ must therefore be directed to the Clerk of that Court.

My motion was accordingly amended by striking out the words "District and," and the writ was ordered. I wrote to Mr. Baldwin, requesting him to see that the return to the writ be made as speedily as possible.

26th. In the House, Tillinghast reported from the Committee of Manufactures the bill for laying an impost duty of twenty per cent. ad valorem on pins; which was twice read, and referred to the committee of the whole on the state of the Union. In that committee, Casey in the chair, Dr. Duncan resumed his rhapsody, repeating his furious, brainless, and heartless speeches of the last session, for about two hours and

a half. I sickened at hearing him, and went into the Supreme Court library-room to look up the reports of the case of Nash, or Robbins, delivered up to the British at Charleston, South Carolina, in 1799, under the Treaty of 1794, and found them in Hall's American Law Journal, vii., 13, and Bee's Admiralty Reports, 266. I read them in part, and took them out for further examination, with the twelfth volume of Wheaton's Reports, for the third decision of the Supreme Court in the case of the Antelope.

On returning to the House, I found Garret Davis, of Kentucky, speaking in reply to Dr. Duncan, between whom and W. Cost Johnson there had been an interchange of epithets, as liar, scoundrel, and coward.

Luther C. Peck, a member from the western part of New York, called me out into the lobby and introduced to me two chiefs of the Seneca tribe of Indians—a young man educated at Dartmouth College, named Pierce, and an elderly, pure Indian, speaking no English, named Two Guns. They gave me two petitions, which they requested me to present; and they wished to have some conversation with me, for which they are to call at my house to-morrow morning. Adjourned at half-past three, and walked home. Evening consumed in reviewing the case of the Antelope, which I did not half finish—a desperate, dangerous, and, I fear, useless undertaking.

27th. The two Seneca Indian chiefs who were introduced to me yesterday came this morning, according to appointment, to converse with me concerning their grievances, and especially to urge the presentation of their petition that no appropriation may be made to carry into effect the fraudulent treaty by which they are to be driven like a herd of swine from their homes to a wilderness west of the Mississippi.

I told them I would present their petitions as soon as I could possibly get the ear of the House to receive them; that I had already presented a petition from Andover, Massachusetts, praying in their behalf that no appropriation may be made to carry into execution that swindling treaty. That petition had already been referred to the Committee of Indian Affairs; and I advised them to see Mr. Bell, the Chairman of that committee,

to communicate to him the purport of their petitions, and converse with him concerning them. I promised to speak for them myself to Mr. Bell; but he was absent the whole of this day from the House.

I was twice in the Supreme Court, and asked Mr. Carroll, the Clerk, for a printed copy of the record in the case of Edward Prigg, Plaintiff in Error, *vs.* the Commonwealth of Pennsylvania, in Error, to the Supreme Court of the State of Pennsylvania. This is another slavery question case. Mr. Carroll gave me a copy of the record, and asked if he should enter my name as counsel in the case. I said, no; I had nothing to do with it. He said nothing, but looked as if he would say that I had then no right to ask for a copy of the record. I must, therefore, pay him for it or return it to him.

In the House, Mr. Pope made a speech of about two hours on the Treasury Note bill, as usual avowing that he did not know whether he should vote for it or not. After him Mr. Wise took the floor, but yielded it to Dr. Duncan for personal explanation between Dr. Duncan and W. Cost Johnson; and it consisted of a mutual assurance of each of them to the other that he was a liar, a scoundrel, a puppy, and a coward—upon which Wise almost wrung his hands in lamentation over the anti-duelling law. He then launched out into a panegyric upon himself, a profession of friendliness to the approaching Administration, touching which he has been justly suspected. He spoke till near four, and then yielded to a motion to rise, and the House adjourned.

I went into the Senate-chamber to see Mr. Webster, but they had just adjourned, and he was not there. I employed the whole evening in reviewing the case of the Antelope, without getting one-third through it.

28th. In the House, Wise resumed the floor, but yielded it to Duncan for a personal explanation; and then came the third interchange of the epithets of liar, scoundrel, and coward, between Duncan and Johnson—upon which Wise lamented the bitter fruits of the duelling law, and that there would be no fight. He then continued his discourse, and I left the hall to go into the (Senate-chamber).

Mr. Isaac C. Bates, the new Senator from Massachusetts, and Mr. Webster, the other (were there). I spoke to him about Governor Davis's message to the Massachusetts Legislature concerning the Northeastern boundary. He thought resolutions firm as to the right, and complaining of delay, would be appropriate; but said he would see me again.

I then went into the Supreme Court, and enquired of R. Peters for the fourth volume of Wheaton's Reports—which he found, and sent me. I went also into the Clerk's room, and hunted up the records of the proceedings of the Circuit Court of Georgia in the case of the Antelope, and found among them very important papers for the argument in behalf of the Amistad captives. Returning to the House, I found Wise still speaking; but he soon complained of being exhausted, and the committee rose, and the House adjourned, close upon four.

I dined with Baron Mareschal, the Austrian Minister, and a miscellaneous company of twenty-five—among them the two Mexican Commissioners, who were introduced to me. Mr. Fox and Bodisco were also there. I enquired of Mr. Fox if he had sent to the Department of State his note concerning the captives of the Amistad. He said he had, but had received no answer.

29th. An effort was made in the House this morning to suspend the special order of the day and take up the consideration of public business. Dawson and Russell pressed it upon the House; but in vain. Calvary Morris moved a suspension of the rules to take up a bill proposed by him for the more immediate repeal of the Sub-Treasury Law. He called for the yeas and nays on his motion; which were seventy-nine to eighty-six. I was, except Jenifer, the only oppositionist who voted against the suspension, because the simple repeal, without making further provision for the keeping and disbursement of the public moneys, would plunge the Treasury into tenfold confusion, and there is not time or means to provide a substitute at the present session.

Edmund Burke, of New Hampshire, a libel upon his own name, moved to recuscitate a dead committee of the last session, of which he was Chairman, to investigate the dirty contracts of

the Clerk about stationery. Edmund moved to suspend the rules, but the House would not gratify him. They were alike inexorable to Pickens, who, with upstretched arm, held a fluttering scrap of paper, being a call upon the President for information concerning the seizure of American vessels by British cruisers on the coast of Africa.

James Garland came to me with a resolution, which he requested me to offer, to grant the use of the hall for an hour and a half before the meeting of the House next Monday morning to an exhibition of deaf and dumb and blind pupils. I offered the resolution, and it was adopted without opposition.

Wise held the floor for three hours, in concluding his speech —a motley compound of eloquence and folly, of braggart impudence and childish vanity, of self-laudation and Virginian narrow-mindedness. Wise is the personified caricature of Virginia—great conception, wild but energetic elocution—bathos of conclusion, small and pitiful result. He was followed by Hubbard, of Alabama, who began grunting against the tariff for about half an hour, and then gave way to a motion to rise. The committee had already once risen, reported no quorum, and, after a refusal to adjourn, the House had gone into committee again. They now rose again, and reported no quorum, and adjourned by yeas and nays—fifty-one to twenty-two.

In the course of the morning Mr. Webster came in, had me called from my seat, and sat down with me five minutes on a sofa. He said that a member of the Senate of Massachusetts had written to him concerning the Northeastern Boundary question. He had informed himself of the present condition of the negotiation; and he had answered the Massachusetts Senator that the resolutions should be firm as to the maintenance of the right, and complain much of delays. In the evening I received a letter from Charles, opening a scene in the Legislature of Massachusetts, responsive to the course of Mr. Webster here. The Boundary question is transferred in Massachusetts to a select joint committee.

30th. An inflammation in my left eye threatens me with complete disability to perform my final duty before the Supreme Court in the case of the Amistad captives; while the daily and

hourly increasing weight of the pressure of preparation aggravates that disability.

At the first meeting of the House, Pickens reproduced his call upon the President for information respecting the seizure of American vessels by British cruisers on the coast of Africa, and it was received without objection. I had prepared this morning, and now moved, an amendment calling for the correspondence with the British Government relating to the African slave-trade, and for all N. P. Trist's dispatches as Consul at the Havanna to the Department of State, relating to the same subject. I have been ever since the commencement of the last session anxiously waiting for an opportunity to move this call, but have abstained from offering it, from a certainty that if I did it would be objected to, and rejected. Pickens now accepted my amendment. Weller, of Ohio, who sees deeper into a millstone than Pickens, started up, and said, "I object to that." It was too late for Pickens to retract. He repeated that he had no objection to my amendment. Weller roared out again, "I object;" but the Speaker heeded him not. He put the question upon the resolution as amended, and it passed, so that if Weller himself said no, I did not hear his voice. Pickens then, seemingly alarmed at Weller's objection, came to my seat and said that the only objection that he had to my amendment was that the papers called for by it are so voluminous that he feared it would delay the report upon the call till it would be too late for action upon the papers that he wanted. Foreseeing a motion for reconsideration, I said he might easily call at the Department of State and get a report in part, furnishing the papers of his call and leaving time for the preparation of the remainder. He seemed satisfied with this; but the danger of a reconsideration was still so great that I went to French, the Sub-Clerk, and asked him to dispatch the call to the President immediately—which he promised to do. We shall certainly not get Trist's dispatches—perhaps not the diplomatic correspondence, particularly Fox's last note about the Amistad captives; but a refusal, or an apology for withholding them, will be useful for the appeal to the people, to the world, and to posterity.

Committee of the whole on the state of the Union, Casey in the chair, on the Treasury Note bill. Hubbard, of Alabama, finished his grunt, and Jenifer followed him, chirping like a cock-robin. Vanderpoel took the floor, and the committee rose, and the House adjourned for want of a quorum—yeas and nays fifty-three to twenty-nine. I went into the Senate-chamber, and asked Mr. Webster if he had received a letter from my son. He said he had, and had answered it this morning.

February 1st. Committee of the whole on the state of the Union, Casey in the chair. Vanderpoel made a speech of four hours, being a stout and plausible defence of the Administration. When he finished, I went to his seat, shook hands with him, and thanked him for his last words and dying speech, and told him it was the best speech he ever made.

2d. Fillmore carried a suspension of the rules for a resolution to discharge the committee of the whole on the state of the Union from the further consideration of the Treasury Note bill to-morrow at three o'clock P.M. With only two or three other oppositionists, I voted against this suspension and resolution, and I told Fillmore he was playing the game into the hands of the Philistines. However, he carried his resolution. Sergeant then reproduced his resolutions of the Legislature of Pennsylvania. Jones resisted. Sergeant moved a suspension of the rules. Jones then withdrew his objection. The resolutions of the Legislature were received, laid on the table, and ordered to be printed.

The House then went into committee of the whole, Casey in the chair, and Triplett, of Kentucky, and Coles, of Virginia, each for about an hour, gave the "pro" and the "con" of countervailing duties to protect the tobacco trade. Then Black, of Georgia, for an hour and a half, poured forth his black bile, chiefly upon his colleagues from Georgia who have been re-elected—he having been defeated. Alford, of Georgia, then took the floor, but the committee rose for want of a quorum. Alford moved to go into committee again. I called on the Speaker to count the House. He counted, and said there were less than seventy members present. I moved to adjourn, and

said I would not go into committee with less than a quorum. Adjourned, by yeas and nays—thirty-seven to thirty-six.

3d. I found the House in session, and Wise having prevailed on some one to move a reconsideration of the resolution adopted yesterday, to discharge the committee of the whole on the state of the Union, from the further consideration of the Treasury Note bill at three o'clock this day. He (Wise) had an amendment to propose, that the same power conceded to this Administration in the bill should be extended to the next, to issue an amount of five millions of dollars to the end of the year; and that then the debate should cease, the questions on the amendments should be taken, and the bill reported to the House.

Cushing rose, and enquired, "What! without debate?" Whereupon Wise turned upon him like a tiger, and, in the most peremptory tones, insisted, Yes, without; for the resolution to be reconsidered had itself arrested all debate. I voted for the reconsideration, as I had voted against the suspension; and now the Whigs voted for the reconsideration, and it was carried. Wise then offered his amendment, but Fillmore withdrew his resolution. Morgan moved to go into committee of the whole on the Union. Wise then proposed to appeal from the Speaker's decision that Fillmore could withdraw his resolution; but the Speaker told him he was too late. He put the question of going into committee of the whole, and called Casey to the chair. Weller, of Ohio, Brackenridge, of Pittsburg, James Monroe, and, lastly, Alford, of Georgia, descanted for an hour and a half upon all the topics which have been tacked upon this bill. Alford let out all his Georgian bile against the Northern manufacturers and the Northern interests. I think I shall stand it no longer. Charles Shepard, of North Carolina, took the floor; the committee rose, and the House adjourned, at half-past four.

4th. Reaching the Capitol half an hour before the meeting of the House, I went into the Clerk's office of the Supreme Court, and examined a small part of the first record of the Circuit Court in Georgia of the case of the Antelope. The claim of the Spanish Vice-Consul at Savannah, Mulvey, filed

1st August, 1820, was for one hundred and sixty-six of the slaves; that of the Portuguese Vice-Consul, Sorrell, was for one hundred and thirty.

On my return to the House, I found Charles Shepard on the floor, discussing the topics of the Treasury Note bill, as a Southern planter, for an hour; followed by James Garland, of the same interest. I then took my turn for an hour, and arraigned before the committee, the nation, and the world, the principles avowed by Henry A. Wise, and his three-colored standard, of overseer, black, duelling, blood-red, and dirty, cadaverous, nullification, white. Of its effect I will not now speak. I have discharged what I believe to be a solemn and sacred duty. At the close of his reply, his gang of duellists clapped their hands, and the gallery hissed. William Cost Johnson began his usual rhodomontade, but the whole committee was in fermentation; they rose, and the House adjourned at half-past four.

5th. Sleepless night. The step that I have taken yesterday absorbs all the faculties of my soul. Deliberately taken, to have any useful effect it must be calmly, firmly, judiciously, perseveringly, alas! skilfully pursued. I fear I have estimated too highly its importance. I fear my own incompetency to sustain it effectively and successfully. I know not what support I shall receive in or out of the House; I stand alone in this undertaking. Few, if any, of my colleagues appear to understand my purpose, and, from their deportment yesterday, I should conclude they thought it one of my eccentric, wild, extravagant freaks of passion.

Trumbull, of Connecticut, alone, came to me after it was over, took me by the hand, and thanked me. Mr. Barnard thought I ought to have dwelt more emphatically upon the disclaimer of all motives personally offensive to Wise; though he admitted I had disclaimed them. Brockway this day asked if my speech would be printed, and ascertained that Wheeler had taken full and accurate notes of it.

Mr. Merrick, Senator from Maryland, and David Hoffman, of Baltimore, visited here this day, and told my wife that Mr. Webster had been highly delighted at hearing of my speech; but all around me is cold and discouraging, and my own

feelings are wound up to a pitch that my reason can scarcely endure. I trust in God to control me.

Mr. Gallaudet and Mr. McLellan were here this morning, to ask my influence to carry through a bill granting some city lots to the Howard Society, a charitable corporation in this city; which I promised, so far as I should have power to exercise it.

I called at the Department of State, with a paper belonging to Trist's dispatches, which had slipped under other papers. Mr. Curtis had received yesterday a note from the Secretary of State, informing him that this paper was missing; and I found it on my table last evening.

At the House, Governor Lincoln, by a suspension of the rules, offered, and carried, a resolution that the debate on the Treasury Note bill should cease at seven o'clock this evening. He at first proposed five, but modified it, at the request of some gentlemen pregnant with eloquence, to seven. The House then went into committee of the whole, Casey in the chair. W. Cost Johnson began with a short, feeble, interrupted speech, followed by some chaffering, in which Cushing and Lincoln were at issue; and then by a three-hours' Whig speech from Rayner, of North Carolina; next by two hours of vulgar, coarse, and silly buffoonery from Reynolds. Steenrod next got the floor, but yielded it to Mallory, the reinstated member from Norfolk, Virginia, who swallowed whole the system promulgated in Wise's speech, and endorsed every word and syllable in it. Then Underwood, who told of the speech which he would have made but that he had not time. The debate finished by a sneer at the little end of the big Whig party, in the difference between Cushing and Lincoln. Barnard's amendment was rejected; Wise's adopted. The bill was reported, passed to the third reading, and passed, and the House adjourned at eight o'clock.

7th. Throughout this day, as through many that have immediately preceded it, my mind has been in a state of fearful agitation, and my health and spirits suffer with it. Neither of the preachers of this day had power to call me from the world to God. Cookman's admonition, to bridle my tongue, ought

to have its practical influence on my conduct. I pray that it may have; but I must speak. This day my thoughts have been scattered, and I have been looking into Shakspeare, for Coriolanus and the Volces, and for the plucking of the red and white roses in the Temple gardens in the days of the Plantagenets.

I had no time to waste on the arrival last evening at Baltimore of William Henry Harrison, President-elect of the United States, nor on the cotemporaneous suspension of specie payments by the banks of Philadelphia and Baltimore.

8th. I went to the House at eleven. Theodore Talbot rode with me. I went into the office of the Clerk of the Supreme Court, and waded neck-deep into the record of the Circuit Court in Georgia, of the case of the Antelope, but could not reach the first decree of the Court.

In the House this was the day for the reception of petitions —the only one for several weeks past, the only one for the remainder of the session. John W. Jones, Chairman of the Committee of Ways and Means, moved to go into committee of the whole on the state of the Union upon the Pension Appropriation bill. Waddy Thompson, Chairman of the Military Committee, had letters from the Secretary of War and from General Armistead, asking an appropriation of a hundred thousand dollars to buy a surrender of the remaining Indians in Florida, and wanted to go into committee of the whole upon the Union for that. Jones told him that he might move it as an amendment to his Pension bill.

I supplicated for this day for the reception of petitions, of which I said I had a hundred in my drawer, ten of which might possibly be received. I spoke in vain. I called for the yeas and nays, which were ninety-two and ninety-two, and the Speaker decided to go into committee of the whole, and called Clifford, of Maine, to the chair. The Pension Appropriation bill was read. Waddy Thompson then moved his Appropriation bill to buy an Indian surrender. Petriken objected to it, as not in order—as it certainly was not, by the fiftieth rule. Clifford was muddily bothering his trickster invention to get over this rule, when Briggs suggested to him the last patch upon the seventy-

sixth rule. He snapped at it like a mackerel at a red rag, and said the amendment was in order. Waddy Thompson made a frothy speech upon the amendment, and, when he had done, I objected that the amendment was not in order. He said it was too late; and the debate proceeded. Giddings, of Ohio, in a speech of three hours, opposed the amendment, assuming to prove that the Florida War originated, and has been conducted throughout, for the support of Southern slavery. He laid down too narrow a basis for his superstructure; but he proceeded step by step, citing his documentary proof as he went along, to the exquisite torture of the Southern duellists and slave-mongers—Georgians, Carolinians, and Virginians. They interrupted him every five minutes by calls to order; and Clifford, who has neither eyes to see nor a heart to feel what is or is not in order, according to his caprice, sometimes sustained and sometimes silenced him.

When he finished, Mark A. Cooper, one of the apostate and dismounted Whigs of Georgia, took the floor, and argufied, without losing his temper, till half-past four, when the committee rose, and the House adjourned.

9th. The President-elect, William Henry Harrison, arrived with the morning train of cars from Baltimore, received by a vast crowd of citizens, headed by the Mayor of the city, William W. Seaton, who escorted him to the City Hall and there addressed him with a cordial welcome. He returned this with a suitable answer, and then went and took lodgings at Gadsby's Hotel.

I went to the office of the Clerk of the Supreme Court, and read further in the Circuit Court record of the Antelope case. I bespoke a copy of the Judge's decision in the case of the Spanish Vice-Consul.

In the House there was a special order for the consideration of this day—a bill, reported by Underwood, about steamboat explosions. The rules were suspended to postpone till Thursday that bill and take up again the Pension Appropriation bill, with its tack—the extra hundred thousand dollar appropriation to buy the Indian surrender. Mark A. Cooper resumed his Cretan labyrinth of argument in answer to Giddings. Cooper,

whose ideas are generally false conceptions, strained hard to be very severe upon Giddings, but, finding he could rouse no malignant sympathy to cheer him, turned at last upon me. He said there was an opinion among many that I was insane, and did not know what I said. But it was not so. If I was insane, he wished he could be bitten by the same dog.

There came a loud cry of "Order" from every quarter of the House. Clifford, in loud, rapid, and peremptory tone, said, "The gentleman from Georgia is out of order."

I rose, and implored the Chairman and the committee that they would allow him to proceed.

Mark saw he was upon a wrong scent, and turned off upon another. Dawson came to my seat, and supplicated me not to reply to him. The appeal was irresistible. I pledged my word to Dawson that I would not open my lips upon the bill.

Cooper was followed by Black, with fourfold malignity and tenfold fury. He raved methodically, and read from the Philanthropist and the Bible, till he was time after time called to order by his own party and by the Chairman, whose decisions were twice reversed—once that Black was not in order, and once that he was. Waddy Thompson at last interfered to silence Black, by a grossly insulting fling at Giddings, and Black was finally worried down by his own crew.

Downing, the delegate from Florida, followed by a more vigorous and plausible but quite as unjust an assault upon Giddings, by controverting his documents. I almost repented of my promise to Dawson, for Giddings found no support. The committee rose, and the House rose for want of a quorum.

10th. I went at ten this morning to the Capitol, and, finding the preparations for the ceremony not completed in the hall of the Representatives, repaired to the office of the Clerk of the Supreme Court, and read about half an hour in the record of the Circuit Court in Georgia the proceedings on the libel of the Portuguese Vice-Consul, Sorrell, claiming one hundred and thirty of the captives of the Antelope. A sub-clerk in the office was making out a copy of the decision of the judge on the first claim of Mulvey, the Spanish Vice-Consul. Mr. Carroll, the Clerk, told me that I was running up a bill against

my clients by calling for these copies. I was aware of that, but believed it absolutely necessary for a full and fair review of the case of the Antelope. Yet I must not overlook the admonition of the Clerk.

In the House, there was a motion of Andrews, of Kentucky, to take the Pension and Florida War bill out of committee of the whole to-morrow at noon; carried, by a suspension of the rules. There was some struggling to get in petitions, without success. Carr, of Indiana, moved to begin the call with Iowa, which was to cut me off. Giddings rose to complain of an insolent personal reflection upon him made yesterday by Waddy Thompson, and reported this morning in the National Intelligencer. There was so much disorder and confusion in the House that I did not fully hear Giddings, nor Thompson in reply, nor Alford, who affected to believe, or actually blundered into the belief, that Waddy's insult yesterday was hurled at him. The flurry was abridged by the hour of noon, when Briggs offered a resolution to send a message to the Senate that the House were ready to proceed to open and count the Presidential Electoral votes. The Senate immediately after came in. The Vice-President, Richard M. Johnson, took the seat of the Speaker, and presided at the meeting, the Speaker being seated at his left. The tellers, Preston, of the Senate, Cushing and John W. Jones, of the House, sat in front of the Clerk's table. The Vice-President broke the seals of the returns, beginning with Maine. Two copies of each; one received by special messenger, and one by the mail. The three tellers read alternately the returns, which were—sum total of votes, two hundred and ninety-four; of which, two hundred and thirty-four for William Henry Harrison, of Ohio, and sixty for Martin Van Buren, of New York, as President; two hundred and thirty-four for John Tyler, of Virginia, forty-eight for Richard M. Johnson, of Kentucky, eleven for Littleton Waller Tazewell, of Virginia, and one for James K. Polk, of Tennessee, as Vice-President. The Vice-President then proclaimed Harrison and Tyler to have been duly elected President and Vice-President of the United States for four years from the 4th of March next, and declared the meeting dissolved. The Senate withdrew,

and the House adjourned. While the votes were counting, Mr. Chambers, of Kentucky, informed me that General Harrison had called to visit me at my house. I returned his visit at Gadsby's.

11th. I went into the office of the Clerk of the Supreme Court, and read nearly all the remainder of the record of the Circuit Court in Georgia in the case of Francis Sorrell, Vice-Consul of Portugal, against one hundred and thirty African captives of the Antelope.

In the House, after some petty episodes, the Pension Appropriation bill, with its Florida War tack, was taken up. Smith, of Indiana, who generally deserves the praise of silence, broke it now for a very foolish speech of half an hour, and a more foolish amendment, after offering which he did not know whether he had done or not. Briggs answered him somewhat roughly, and at noon the question was taken, by yeas and nays, first on the tack and then on the bill—both of which were reported to the House, passed to the third reading, and passed. John W. Jones then moved to go into committee of the whole on the state of the Union to take up the Civil and Diplomatic Appropriation bill; it was carried, and the Speaker called Bell, of Tennessee, to the chair. An item of twenty-five thousand dollars for stationery for the House of Representatives started a debate which consumed the remainder of the day, till, from mere weariness and want of a quorum, near five o'clock the committee rose, and the House adjourned. Governor Lincoln moved to reduce the item to fifteen thousand dollars; and the by-play of the two parties was curious, and the exposure of the rotten contracts of the Clerk, Hugh A. Garland, with Langtree was so scandalous that the stomach nauseated at them. A man named Edmund Burke, the very thickest skull of all New Hampshire, Chairman of a committee of the last session to whitewash the Clerk, performed the work in so bungling a manner that he now moved the reappointment of the same committee. But Stanly said he had a word to say against that. Bynum favored striking out the item, to weaken the incoming Whig Administration; and Evans opposed it with a maul upon Lincoln and his economy, and a back-handed blow at Under-

wood, who has some pettifogging project of giving twenty dollars a session to each member to purchase his stationery.

The Attorney-General, Gilpin, came into the House and told me that he had received the additional parts of the record which I had demanded, and if I would come into the Court-room to-morrow morning he would let me have them to examine, as there remains but little time till next Tuesday, within which it must be printed.

12th. At the House, Mr. Cushing made report from the joint committee of the two Houses, W. C. Preston, of the Senate, and Caleb Cushing and Henry A. Wise, of the House, appointed to inform William Henry Harrison, of Ohio, of his election as President of the United States, that they had performed the service; that he had answered that he accepted gratefully the office, and would, to the best of his ability, faithfully perform its duties. Edmund Burke renewed his motion, made yesterday, to suspend the rules for a resolution to reappoint the committee of last session to whitewash Garland the Clerk's stationery contracts with Langtree. The stupidity of the motion brought up even Dromgoole against it. Yet they do so hang together in their discomfiture that the vote was sixty-seven to sixty-three for the reappointment, and failed only by the lack of the two-thirds.

It was private business day. John W. Jones moved to suspend the rules to go into committee of the whole on the Union to take up the Civil and Diplomatic Appropriation bill; but the House refused, by yeas and nays—sixty-five to eighty-four—and took up in succession sundry private bills, among which was one continuing, for the benefit of the widow and children of Dr. Henry Perrine, a grant of a township of land for the cultivation of tropical plants. The bill passed in favor of Dr. Perrine when he was here two years ago, since which he has been murdered by the Indians. I had received a letter soliciting my aid in favor of the bill, and voted for it. Stanly voted for it, and then moved a reconsideration without assigning any satisfactory reason. He said he was not desirous of pressing his motion for reconsideration; but Dawson called the yeas and nays upon it. The reconsideration was refused—sixty-six

to one hundred and twenty-six. Numerous reports from committees were received. I moved to make the bill for the suppression of frauds in the collection of the revenue the special order of the day for the 22d of this month; but a minority of the House again rejected the motion. The House adjourned near five o'clock. I read nearly through the new parcels of the record received from New Haven, nine-tenths of which are mere repetitions, absolutely useless. I returned them to the Clerk's office, with notice that there would be no necessity to have them printed. Mr. John Connell was here again this evening. General Harrison's Cabinet is announced—Webster, Secretary of State; Ewing, of the Treasury; Bell, of War; Badger, of North Carolina, of the Navy; Crittenden, Attorney-General; and Granger, Postmaster-General.

13th. In the House, the day, which should have been devoted to public business, was consumed in debate upon subjects irregularly introduced. First, Clifford, of Maine, called up a bill reported by the Committee of Foreign Affairs appropriating seventy-five thousand dollars for continuing the survey by commissioners of the Northeastern boundary. He got the House, after some difficulty, into committee of the whole on the state of the Union upon this bill, Linn Banks in the chair. The bill had been sent to the Printer's. French, Acting Clerk, was about reading the original manuscript draft of the bill. Some pettifogger demanded where was the bill, and, upon being told it was at the Printer's, objected to proceeding without the bill. Up started a debate of an hour upon the question whether a bill could be debated in committee of the whole, or in the House, upon a manuscript copy.

I never knew this question made before. The universal practice is to debate any sort of a copy, manuscript or printed, till the third reading, when it must be engrossed; no amendments are then admitted, and the question taken is upon the engrossed bill. But now nothing would do but the committee must have the bill.

Dromgoole, who is recovering from a long and severe indisposition, and has returned to his seat, argued and descanted upon the absolute necessity of having the bill. Motion after

motion was made to take up other bills and to rise. The committee did rise once, for lack of a quorum, but returned into committee again as soon as the quorum was ascertained, till at last the bill was brought in from the Printer's. Then another debate was sprung upon the amount of the appropriation; fifty thousand, thirty-seven thousand five hundred, twenty-five thousand, twenty thousand, were thought enough by some, and the morning hour expired before a question could be taken.

Pickens, Chairman of the Committee of Foreign Relations, made a report, professedly upon the correspondence relating to the case of McLeod, a Canadian now under indictment for murder in the State of New York at the burning of the steamboat Caroline, but really an inflammatory invective against the British Government. This report, by a bare majority of the committee, was, by a close party majority of the House, laid on the table and ordered to be printed. Everett moved an amendment to print documents relating to the burning of the Caroline; which was rejected. I moved to recommit the report, but the Speaker said the motion was not in order. The debate was sharp. I called at the office of the National Intelligencer and requested of Mr. Seaton to revise the reporter's notes of my speech.

15th. In the House, Turney, of Tennessee, obtained a suspension of the rules to pass a bill about Tennessee land titles; opposed by Lewis Williams, and almost the whole North Carolina delegation, as injurious to the rights of that State. But several of the Tennessee members of both sides went around the House while the votes by yeas and nays were taken, begging their fellow-partisans, as a special favor, to help them push through the bill; and it was carried by a large majority, Stanly asking to be excused from voting, unwilling to decide between his Tennessee Whig friends and his colleague Williams. The bill was driven through by the previous question.

It was the day for the presentation of resolutions, and I had one, concerning an unconstitutional Act of the Legislature of South Carolina, ready. But John W. Jones moved to go into committee of the whole on the state of the Union to take up the Civil and Diplomatic Appropriation bill; which was done,

Bell, of Tennessee, in the chair. Two small amendments were proposed by Evans and Tillinghast, and were adopted. Landaff W. Andrews, of Kentucky, moved to strike out an appropriation of fifteen hundred dollars for compensation to a secretary to the President, to sign land patents; whence a debate, in which Governor Lincoln, as a member of the Committee of Public Lands, brought to light two facts: 1, that for several years past none of the land patents have been executed according to law; and, 2, that there are now at the Land Office sixty thousand patents unsigned, because of a question between the Commissioner and Recorder which of the two should sign them. I entered, with some indignation, into this debate, but opposed the striking out of the appropriation. Andrews finally withdrew his motion to strike out. Vanderpoel moved to strike out a thousand-dollar clerk of the Fifth Auditor, and, after much criminative and recriminative debate, this motion too was withdrawn. While it was under discussion, I went into the Supreme Court room, where I found Mr. Walker, a Senator from Mississippi, arguing a question on the constitutional right of the State of Mississippi to prohibit the importation of slaves into the State as merchandise; he closed an argument of two days, but the case I was told would probably take two or three days more. The case of the Amistad will follow next. I went into the Clerk's office and read the late Judge Johnson's first decision in the Circuit Court for the Eighth District (Georgia) in the case of the Antelope. Returning again to the House, I found Wise defining again his position, and sparring with Jenifer, and Graves, and Pope, and Andrews, till half-past six o'clock, when the committee rose, and the House adjourned.

16th. I found the House under a motion by Fillmore to suspend the rules to admit his resolution instructing the Military Committee to report a bill for putting the Northern and Northeastern frontier in a state of defence. The rules were suspended, and Fillmore, by moving the previous question, and by modifying the instruction to the committee to an enquiry into the expediency of reporting a bill for defensive armament, carried his resolution. I saw the coming Secretary of the

Treasury, and spoke to him of the reappointment of Schuyler Sampson, Collector at Plymouth. From his remarks, I answered Mr. Sampson's letter and advised him to apply for reappointment. I left the House, and went into the Law Library to look for an Act of the Legislature of South Carolina, which I was unable to find. Mr. Walker, of Mississippi, was there, upon similar and more successful researches. Returning to the House, I found they had adjourned. Hawes and Cushing came to me to enquire if I would go to China. I answered that if the invitation should be given I would take it into consideration.

17th. I went to the Capitol about half an hour before the meeting of the House, and in the office of the Clerk of the Supreme Court I read the opinion of the District Judge, Davies, of Georgia, in February, 1821, on the case of the Antelope. Of this opinion and consequent decision, and of that of Judge Johnson, in the Circuit Court, I want copies, but hesitate to charge the cost of them to the friends of the Africans. I spoke of it to Mr. Baldwin, who could give me no advice upon the subject, and referred me to Mr. Leavitt. I went into the Supreme Court room, where Mr. Walter Jones was closing his argument on the slavery question from Mississippi. He was followed by Mr. Clay, whom I did not hear. The Attorney-General, Gilpin, is to close in that case to-morrow; and Mr. Webster follows in a case involving the same principles: so that the Amistad case will probably not come up till Saturday.

I found the House already in committee of the whole on the state of the Union, Bell in the chair, on the Civil and Diplomatic Appropriation bill. Lane, Smith, and Proffit, of Indiana, had been pushing for a suspension of the rules, to get up some Indiana land bill, but failed. Governor Lincoln had succeeded, by a suspension of the rules, to introduce a bill from the Committee on the Public Lands to legalize land titles, to the amount of millions of acres, held by patents null and void, issued from the Land Office. Postponed till to-morrow, and the bill to be printed. On the General Appropriation bill, the motion made by Willis Green, of Kentucky, was to strike out all the items for the three branch mints, at Charlotte North Carolina, Dah-

lonega in Georgia, and New Orleans. Bynum had the floor, and, in a speech of three hours, ran through his whole budget of anti-federal, anti-bank, anti-tariff, anti-manufacturing democracy, upon which he has harped about once a month ever since he has been in Congress. Then followed a sharp-shooting debate between sundry North Carolina, Georgia, and Kentucky retrenchers and reformers—the Georgians and North Carolinians, though among the sturdiest economists in the House, resisting "unguis et calcibus" the retrenchment of about seventy-five thousand dollars a year of the most useless of all expenditures wasted upon these branch mints. Habersham, of Georgia, commenced a sparring bout with Tillinghast, of Rhode Island, who feebly defended his State, without that most forcible of all arguments, the retort courteous. After much snarling, and one or two failures of quorums, the question of striking out was taken by tellers, and lost—fifty-three to seventy-three. The committee rose, and about half-past five the House adjourned.

18th. A severe visitation of Providence.

There was an exhibition at a quarter-before eleven, in the front yard of the Capitol, of firing with Colt's repeating fire-arm—a new-invented instrument of destruction, for discharging twelve times a musket in as many seconds. I rode to the Capitol with Mr. Smith. We had alighted from the carriage from five to ten minutes, when the firing commenced. My carriage was then going out of the yard; the horses took fright, the carriage was jammed against a messenger's wagon, overset, the pole and a whipple-tree broken, the harness nearly demolished; the coachman, Jeremy Leary, and the footman, John Causten, precipitated from the box, and Jerry nearly killed on the spot. He was taken into one of the lower rooms of the Capitol, where, as soon as I heard of the disaster, I found him, in excruciating torture. John Causten, a colored man, was taken to the house of his uncle, who lives on the Capitol Hill. I sent for Drs. Sewall, May, Lindsley, and Thomas; but the first who came was Dr. Kearney, a surgeon in the navy. Jerry's first desire was for a Roman Catholic priest, who was sent for, and came and confessed him, and afterwards administered over him the

rite of extreme unction. Dr. Kearney, on the first examination, supposed that he had only received a very severe contusion in the back, but afterwards found that there was a more alarming internal wound in the bowels. After an hour or more, Mr. Follansbee furnished one of the messengers' wagons, in which a mattress, pillow, and blankets were laid, and he was brought home and put to bed.

In the Capitol western yard I met Mr. Baldwin, who informed me that the Mississippi case was closed in the Supreme Court, but that there was another involving the same question, upon which Mr. Webster was to speak, and was desirous of doing so, with our consent, to-morrow—to which we agreed. I went into the Law Library, to enquire again after the third volume of the Laws of South Carolina; but neither of two copies of it was there, nor could the Librarian ascertain who had taken them out. I attended the House after the recess; there was a debate on a proviso in the Appropriation bill, to limit the pay of District Attorneys, Clerks of United States Courts, and Marshals, followed by a motion of Stanly to strike out the enacting clause. I left the House at seven in the evening, Stanly speaking, and came home.

19th. I walked to the Capitol, and attended at the meeting of the House. Mr. Stanly's speech of last evening, which he brought to a close about nine o'clock, lashed all the nullification of South Carolina into fury. As soon as the House met this morning, Mr. Holmes, of Charleston, asked leave to say something. Stanly immediately objected, unless he should be permitted to reply. He added that the gentleman might answer him to his heart's content when the House should be in committee of the whole, because there he should have the privilege of reply. John Campbell said, "I hope my colleague will take no notice of the gentleman from North Carolina, whose arm is not long enough to reach South Carolina. Treat him with silent contempt." "The same contempt," said Stanly, "that I have long felt for you." Campbell did not rejoin. Eastman called up his bill for a second five-years' pension to the Revolutionary widows. I left the House, and went into the Supreme Court, and heard the argument of Mr. Webster on the second

Mississippi slavery case, and the closing argument of Mr. Walker, the Senator from Mississippi, in reply. The question is, whether a State of this Union can constitutionally prohibit the importation within her borders of slaves as merchandise. Mr. Walker threatened tremendous consequences if this right should be denied to the State—all of which consequences sounded to me like argument for the constitutional authority to prohibit it in all the States, and for the exercise of it. At the adjournment of the Court, near four, I went into the House, where Mr. Evans, of Maine, was cooling down a personal quarrel between Pickens and Stanly arising from some brutality of Pickens this morning in reply to Stanly's speech of last evening. They finally agreed to consider it on both sides as *ridicule*. I left the House after five. Went to see John Causten, as I had done yesterday, at his uncle's. He was now up —sore all over, but not seriously injured. I walked home; and about half-past six, Jeremy Leary died, almost without a groan.

20th. The arrangements had been made for the funeral of my poor, humble, but excellent friend Jeremy Leary, at three o'clock this afternoon. I walked to the Capitol this morning with a spirit humbled to the dust, with a heart melted in sorrow, and a mind agitated and confused. The case of the Amistad captives had been fixed to commence in the Supreme Court this morning. I asked Mr. Baldwin if he would consent to apply to the Court to postpone the case until Monday. But he said that he was under a necessity of returning home as soon as possible, to attend State Courts about to be in session. I therefore, as soon as the Court was opened and the case was called, requested as a personal favor of the Court to suspend the proceedings in this case from two o'clock P.M. this day till Monday; to which Chief-Justice Taney answered, "Certainly." We had supposed that upon the motion to dismiss the case the opening and closing would have been with us; but, on submission of the question to the Court, the Chief Justice said that, the question of jurisdiction being blended with the merits of the cause, the opening and closing would be with the Attorney-General upon the appeal from the Circuit Court. Mr.

Gilpin, therefore, the Attorney-General, commenced, and occupied three hours, from eleven to two, in making a statement of the facts, beginning with the register of the Amistad, in 1838, and ending with the appeal by the District Attorney, Holabird, from the sentence of the Circuit Court of the United States in Connecticut, 29th April, 1840. He read most of the proceedings from the printed record and from the Amistad document, H. R. U. S., No. 185, of the last session of Congress, and from the supplementary manuscript record obtained at my motion by "certiorari." The Court then adjourned to Monday morning.

At four P.M. walked in procession to the new Roman Catholic Church of St. Matthew's, where the funeral service was performed by the Rev. Mr. Donelan over the remains of my unfortunate assistant, Jeremy Leary. My wife and Mrs. Smith attended also at the service. The procession consisted chiefly of the members of the Roman Catholic Temperance Association of which he was a member. Mr. Donelan delivered a short discourse from Book of Wisdom iv. 11: "Yea, speedily was he taken away, lest that wickedness should alter his understanding, or deceit beguile his soul." He was then interred in the new cemetery belonging to this Catholic church.

21st. *Sunday.*—After dinner at St. John's Church. The evening prayer for Quinquagesima, or the Sunday before Lent, was read by Mr. Morgan, a young clergyman from England, who preached a pleasing sermon from Hebrews xii. 22: "And to an innumerable company of angels." The doctrine of the Christian dispensation concerning angels is mysterious, cheering, and awful. Ministering spirits, messengers of weal and woe, numberless, graduated in hierarchies, cherubim, seraphim, archangels, guardians of kingdoms and individuals—their nature, their employment, their abode—are all inexplicable to human intellect, and yet all within the aspirations of human curiosity. Mr. Morgan's sermon was an industrious assemblage of multitudes of passages in both the Old and New Testament, illustrative of the character and agency of these supernatural inhabitants of the spiritual world. When I reflected upon them, I was almost tempted to address them in prayer. Meditative devotion, as it kindles, is apt to mislead the judgment; but my

impending duties brought me again down to the earth. At the last hour, I was yet to prepare a frame for my argument on the case of the Amistad captives. I must accommodate my plan of extemporaneous discourse to that of the Attorney-General, scarcely yet unfolded, and much also to my colleague's argument, which is yet to come. I began this evening an index to the documents that I am to review, that I may follow some order in extemporizing upon them. Of all that I have written, nine-tenths are waste paper.

22d. I walked to the Capitol with a thoroughly bewildered mind—so bewildered as to leave me nothing but fervent prayer that presence of mind may not utterly fail me at the trial I am about to go through.

At the opening of the Court, Judge Thompson read a decision of the Court on a certain case. Mr. Norwell and S. T. Mason, both of Michigan, were admitted as attorneys and counsellors of the Court. The Attorney-General, Henry D. Gilpin, then delivered his argument in the case of the Amistad captives. It occupied two hours, and, after a summary statement of the facts as developed in the documents from which he had copiously read on Saturday, he contended that the Amistad was a regularly documented Spanish schooner, employed in the coasting trade between the different ports of the island of Cuba; that the passports of the passengers were regularly signed by the Governor-General of Cuba, and proved beyond all controversy that the blacks were the property of Ruiz and Montez; that the Court, by the comity of nations, could not go behind or enquire into the validity of these documents, for which he cited many authorities in the law-books. He attempted no argument to show that the right of property remained unimpaired by the insurrection, and insisted that all the negroes ought to be restored to their owners, and that the Circuit Court erred in pronouncing the negroes free.

Mr. Baldwin followed, in a sound and eloquent but exceedingly mild and moderate argument in behalf of the captives, till half-past three, when the Court adjourned. I went into the House as they were about meeting after the recess. Governor Lincoln proemized, Garret Davis and Saltonstall discoursed,

and Waddy Thompson puffed and foamed, till between five and six—when I walked home.

23d. With increasing agitation of mind, now little short of agony, I rode in a hack to the Capitol, taking with me, in confused order, a number of books which I may have occasion to use. The very skeleton of my argument is not yet put together. When the Court met, Judge Wayne and Judge Story read in succession two decisions of the Court, and Mr. Baldwin occupied the remainder of the day, four hours, in closing his argument in behalf of the Amistad captives and in the support of the decision of the District and Circuit Courts. The point upon which he dwelt with most emphatic earnestness was the motion to dismiss the appeal of the United States on the contest of their right to appear as parties in the cause, they having no interest therein. His reasoning therein was powerful and perhaps conclusive. But I am apprehensive there are precedents and an Executive influence operating upon the Court which will turn the balance against us on that point. In commenting upon the insurrection of the blacks, Mr. Baldwin firmly maintained their right of self-emancipation, but spoke in cautious terms, to avoid exciting Southern passions and prejudices, which it is our policy as much as possible to assuage and pacify. When he came to the point of questioning the validity of the Governor-General's ladino passports, he left a good deal still to be said. He closed at half-past three, and left the day open for me to-morrow. I went into the Congress library, and took out for use the thirty-seventh volume of Niles's Register, containing the speech of James Madison in the Virginia Convention on the double condition of slaves in that State, as persons and as property. I did not wait to attend at the meeting of the House after the recess; but, meeting, as I was walking home, Mr. Brockway, I enquired of him what had been done in the House. He told me that they had agreed to take the Civil and Diplomatic Appropriation bill out of the committee of the whole on the state of the Union at five o'clock this afternoon.

24th. I was busied in preparation in the Clerk of the Supreme Court's room nearly an hour—to the moment of the meeting

of the Court. When that was opened, Josiah Randall and Mr. Polk, now a Clerk in the Department of War, were admitted as attorneys and counsellors of the Court; and Chief-Justice Taney announced to me that the Court were ready to hear me. The Judges present were Taney, Story, Thompson, McLean, Baldwin, Wayne, Barbour, and Catron. Judge McKinley has (not) been present during any part of this trial. The Court-room was full, but not crowded, and there were not many ladies. I had been deeply distressed and agitated till the moment when I rose; and then my spirit did not sink within me. With grateful heart for aid from above, though in humiliation for the weakness incident to the limits of my powers, I spoke four hours and a half, with sufficient method and order to witness little flagging of attention by the Judges or the auditory—till half-past three o'clock, when the Chief Justice said the Court would hear me further to-morrow. Mr. Baldwin mentioned that he would stay and hear me to-morrow, but that he should be obliged to leave the city on Friday, to return home. The structure of my argument, so far as I have yet proceeded, is perfectly simple and comprehensive, needing no artificial division into distinct points, but admitting the steady and undeviating pursuit of one fundamental principle, the ministration of *justice*. I then assigned my reason for inviting *justice* specially, aware that this was *always* the duty of the Court, but because an immense array of power—the Executive Administration, instigated by the Minister of a foreign nation—has been brought to bear, in this case, on the side of *injustice*. I then commenced a review of the correspondence between the Secretary of State and the Spanish Ministers Calderon and Argaiz, which I analyzed with critical research as far as I was able, but with not half the acuteness, nor with a tenth part of the vigor, which I would have applied had they been at my command. I did not, I could not, answer public expectation; but I have not yet utterly failed. God speed me to the end! After the adjournment of the Court, I went for a few minutes into the House; but they were yet in recess.

25th. The agitation of mind under which I have been laboring for weeks had yesterday gradually subsided, in a continuous

extemporaneous discourse of four hours and a half, through which I was enabled to pass, but the exhaustion consequent upon the effort, and the remnant of mental solicitude, still heavily weighing down my spirits. I had an uneasy, restless night, and short, not undisturbed repose. I rose, however, with much encouraged and cheerful feelings, and performed the daily task of recording the transactions of yesterday.

To the Capitol, about an hour before the meeting of the Supreme Court. While I had proposed to examine and collect papers and authorities for the conclusion of my argument, on going into the Clerk's room, I learnt that Philip P. Barbour, of Virginia, one of the Judges of the Court before whom I had yesterday argued, was found dead in his bed, as if yet asleep, and without the appearance of having suffered a pang. I soon after saw Judge Wayne, who told me that the Court had been in consultation last evening till ten o'clock; that he had afterwards had some private conversation with Judge Barbour, who then parted from him in remarkably cheerful good humor and retired to bed. He appears to have passed from sleep to death without a moment of conscious suffering. At eleven o'clock the surviving Judges came in, excepting Judge McKinley—all in their robes, and in procession. They took their seats, and Chief-Justice Taney said, "One of the Judges of the Court —Brother Barbour—is dead. The Court will adjourn till Monday." The Court was immediately adjourned. Mr. Baldwin took leave of me, saying he was obliged to leave the city this afternoon, to return home.

I went into the House, where I found McKay in the chair, in committee of the whole on the state of the Union upon the Navy Appropriation bill. I soon retired to the room of the Clerk, and examined the records of the Circuit Court in the case of the Antelope. Returned after the recess to the House, where they were debating the Navy Appropriation bill. About six o'clock I came home, leaving the House in committee of the whole on the state of the Union.

26th. I went to the office of the Mayor, W. W. Seaton, and answered certain interrogatories of Dr. Robert Mayo concerning a suit for slander brought by him against Blair and Rives,

publishers of the Globe. Dr. Mayo had sent me three interrogatories, the first two of which I declined answering, as they were of opinions, and not of facts. I answered the third, which was of the manner in which he had become possessed of Andrew Jackson's confidential letter to Fulton, the Secretary of the Territory of Arkansas, of the 10th of December, 1830, as stated by himself to me when he communicated the letter to me. Young Robert Brent was there as the Doctor's lawyer, and Mr. Rives, of the Globe, with Mr. Hoban, a lawyer. Mr. Seaton swore me upon the book. It was one o'clock when I reached the House, and I found them in a snarl between Linn Banks, who had offered a resolution to adjourn from two to four o'clock to attend the funeral of Judge Barbour, and Wise, who opposed it, because the same respect had not been shown to Chief-Justice Marshall. The resolution was, however, carried. I attended the funeral obsequies, performed in the room of the Supreme Court by the Chaplains of the two Houses of Congress, Braxton and Cookman. President Van Buren and all the members of his Cabinet were there, the Senate in a body, but very few members of the House, and, excepting the Attorney-General, the only member of the Bar that I saw there was Walter Jones, with whom and his son I rode part of the way to the Eastern Branch Cemetery, and then returned to the Capitol, where, at four o'clock, the House met again. At five I came home.

27th. I attended the morning sitting of the House of Representatives; but the impending remnant of my duty to the cause of the Amistad captives before the Supreme Court next Monday, the obligation of enabling John Leary to perform the last duties of kindness and affection to his ill-fated brother, and the confusion incident always to the last days of a session of Congress, aggravated by the crowds of candidates for office under the embryo dynasty maturing for birth, and who throng the floors and lobbies of both Houses of Congress, all together so absorb my faculties and distract my attention from the business of the House, that I scarcely know what it is. The Naval Appropriation was increased from short of a million and a half to two millions by a vigorous effort of Saltonstall, John Reed, and

George Evans—feebly resisted by the Chairman of the Committee of Ways and Means, John W. Jones. Slavery is already hurling thunderbolts at the President-elect and the Northern portion of his Cabinet. Francis Granger, who is to be Postmaster-General, is violently assailed for abolitionism. He took me aside this morning and assured me that there was not a man living whose good opinion he would be more unwilling to forfeit than mine. He attempted an explanation of a statement in the Richmond Whig concerning the slave question between New York and Virginia, which, considering what he had said to me on the subject, had almost surprised me. His explanation was by no means satisfactory; but he said he should ultimately be justified.

I asked Cushing for some Spanish history, which he promised me, but he was immediately after called to the chair of the committee of the whole on the state of the Union upon the Army Appropriation bill, and was there till the recess. I then rode home, stopping at the National Intelligencer office and leaving there with Mr. Seaton a list of the petitions not presented by me since the 21st of January, the last day upon which petitions have been received by the House, which I requested him, and which he promised, to publish. He and Mr. Gales both told me that they had Wheeler's report of my reply to Wise, and would publish it early next week.

28th. I rode, with my wife, Elizabeth C. Adams, and Mary, to the Capitol, where the hall of the House of Representatives was so excessively crowded that it was with extreme difficulty that we were enabled to obtain seats. The Chaplains of both Houses were in the enclosure where the Speaker's chair is usually placed, but whence it was now removed to the platform of the Clerk's table. Mr. Cookman preached a farewell sermon from Revelation xx. 11: "And I saw a great white throne, and him that sat on it, from whose face the earth and the heaven fled away; and there was found no place for them." 12: "And I saw the dead, small and great, stand before God; and the books were opened: and another book was opened, which is the book of life: and the dead were judged out of those things which were written in the books, according to

their works." 13: "And the sea gave up the dead which were in it; and death and hell delivered up the dead which were in them: and they were judged every man according to their works." A discourse upon the day of judgment. It appeared to me that the subject was above the powers of the speaker—perhaps above the powers of mortal man; but it was listened to with deep attention from beginning to end. Mr. Cookman closed with a farewell address to the members of both Houses of Congress, and then to the citizens of Washington. He should be hereafter stationed by the Methodist Conference, which three years ago had stationed him here, at a distant place; that he was going now very shortly to the land of his nativity (England), to visit an aged father and the grave of a dearly beloved mother, and after six months he should return to this his adopted country, where thenceforth he intended to live and to die, and for whose prosperity and happiness, whether absent or present, he should never cease to offer up daily prayers to heaven. This part of the discourse was quite pathetic, and drew forth sundry white handkerchiefs among the ladies. There was a small choir of singers in the front galleries, who sung the hymns. Mr. Braxton made the prayer after the sermon. I took leave of Mr. Cookman at the outer door of the House of Representatives, wishing him all prosperity and happiness. His ministration has been pleasant and, I hope, useful to me.[1]

March 1st. I went to the Supreme Court, and concluded my argument in the case of the Amistad captives. I spoke about four hours, and then closed somewhat abruptly, leaving almost entirely untouched the review of the case of the Antelope, which I had intended, and for which I was prepared. It would have required at least an hour, and I had barely reached it when the usual time of the Court's adjournment came. I was unwilling to encroach upon the time of the Court for half of a third day, so that I cramped into a very brief summary what I had to say upon that case, and finished with a very short personal address to the Court. They immediately adjourned,

[1] Mr. Cookman took his passage in the ill-fated steamer President, which never reached its destined port.

and I went into the hall of the House of Representatives. They had not yet re-assembled after the recess. But Mr. William L. Stone, editor of the Commercial Advertiser of New York, came to apologize to me for two heavy letters addressed to him from New Orleans under cover to me at this place for my frank. I put them into the post-office without franking them, and Mr. Stone had to pay the postage for them. He came to me to say that he had spoken to me of certain manuscript public documents for which he had desired the privilege of my frank—instead of which his correspondent had written him letters. Mr. Blunt came very abruptly to my seat, said he was sent here by Mr. Charles King, who was anxiously desirous of obtaining the office of Postmaster at New York, and wished me to use my influence in his favor. I told him I had no influence to use in favor of any one, and that I had no right to recommend any one. "But consider," said he, "that he threw himself into the breach for you." "Not at all," I replied; "and you may tell Mr. Charles King that I consider myself under anything but obligation to him." "Oh, I only meant to say——" I stopped him short, and said I would hold no further conversation with him on the subject.

2d. I found on my table last evening Wheeler's report of my speech on the Treasury Note bill, delivered (4th February), planting the standard against that of Wise. There were one hundred and nine pages of it in Wheeler's writing, with only five lines to a page. I sat up till near one to revise it, and only finished hastily the revisal this morning: it needs a more thorough revisal.

At eleven I went into the Supreme Court. The Judges Catron and Wayne delivered each one decision of the Court, and Judge Story two. That of Wayne was in favor of the Bank of the Metropolis *vs.* the United States; and one of those delivered by Judge Story reversed the decision of the United States Circuit Court in Missouri in the case of the United States *vs.* Charles Gratiot. The delivery of these opinions occupied an hour and a half. Walter Jones, counsel for Lieutenant Gedney upon his claim for salvage in the case of the Amistad and the captives, rose to deliver an argument, but was stopped

by Chief-Justice Taney, who said the Court would hear no argument upon that claim until after their decision upon the motion to dismiss the appeal of the United States. The Attorney-General, Gilpin, then closed the argument on the part of the United States in about three hours, reviewing with great moderation of manner chiefly Mr. Baldwin's argument, and very slightly noticing mine. When he finished, the Court adjourned. The Judges present were Taney, Story, Thompson, McLean, Baldwin, Wayne, and Catron—Barbour having been taken away by death in the midst of the trial, and McKinley having been throughout the trial absent.

3d. I was belated at the House. All was confusion, as usual at the expiration of a Congress. Private bills under consideration from ten till twelve. Conversation with Solomon Lincoln, who told me that he had been invited to come here for place, upon a very numerous and respectable recommendation of young men, altogether unexpected and unsolicited by him; but that when he arrived here he found that Governor Levi Lincoln had stepped forward and ranged himself among the candidates; that there was some objection to him as a member elect of Congress, but that, from his standing and preponderance of pretensions, he would probably be appointed. I know not why, but it seemed to me as if Levi Lincoln shrunk in all his proportions into the dimensions of a pigmy, from a nine-years Governor of the Commonwealth of Massachusetts, to a Collector of the Customs at Boston. Solomon Lincoln said he should not stay to see the pageant to-morrow, but would depart in the cars this afternoon. He mentioned to me also my son's report of the joint committee of the Massachusetts Legislature on the Northeastern Boundary question, and the movements of Theophilus Parsons, a chip of the old block, and now a Senator from Boston, to take it out of his hands.

I went into the Supreme Court, where James T. Austin, Attorney-General of Massachusetts, was arguing a boundary question between Massachusetts and Rhode Island. At the Clerk's office, to search for the records of the Supreme Court in the case of the Antelope. Found the dates of two mandates to S. L. Southard, Secretary of the Navy. Conversation in the

House with Abbott Lawrence, who told me he was invited here and is consulted about the system of administration to be pursued. Returned to the House between five and six. Maine and Georgia, log-rolling; Dodge and Iowa; Casey's Pre-emption bill; call of the House; midnight, and the Congress expires.

CHAPTER XXI.

THE TWENTY-SEVENTH CONGRESS.

March 4th, 1841.—The inauguration of William Henry Harrison as President of the United States was celebrated with demonstrations of popular feeling unexampled since that of Washington in 1789, and at the same time with so much order and tranquillity that not the slightest symptom of conflicting passions occurred to disturb the enjoyments of the day. Many thousands of the people from the adjoining and considerable numbers from distant States had come to witness the ceremony. The procession, consisting of a mixed military and civil cavalcade, and platoons of volunteer militia companies, Tippecanoe clubs, students of colleges, and school-boys, with about half a dozen veterans who had fought under the hero in the war of 1811, with sundry awkward and ungainly painted banners, and log cabins, without any carriages or showy dresses, was characteristic of the democracy of our institutions; while the perfect order with which the whole scene was performed, and the absence of all pageantry, was highly creditable to them. The numbers were not comparable to those of the military assemblage at Baltimore upon the reception of La Fayette in 1824; nor was there anything now of the pride, pomp, and circumstance of that day. The coup-d'œil of this day was showy-shabby. The procession passed before the windows of my house. General Harrison was on a mean-looking white horse, in the centre of seven others, in a plain frock-coat or surtout, undistinguishable from any of those before, behind, or around him. He proceeded thus to the Capitol, where, from the top of the flight of steps at the eastern front, he read his inaugural address, occupying about an hour in the delivery, and before pronouncing the last paragraph of which, the oath of office was administered to him by Chief-Justice Taney.

The procession then returned to the President's house, and he retired to his chamber, while an immense crowd of people filled for an hour or more all the lower rooms of the house. I saw the procession pass, from my chamber windows. Mr. Leavitt was with me, and we were reading the opinions of the Judges Davis and William Johnson in the case of the Antelope.

5th. I rode to the Capitol, and heard Mr. John Whipple, of Rhode Island, arguing the cause of his State against Massachusetts, for sundry towns on her borders. He was harping upon an alleged *mistake*, by Commissioners who settled the question a hundred and twenty-two years ago. The pleader is worthy of the cause.

I went into the office of the Clerk of the House of Representatives, and looked over the documents transmitted with the message communicating the slave-trade correspondence, and particularly that of Trist, which is enormous. I read rapidly through Alexander H. Everett's report upon Trist's official conduct at the Havanna. It is perfectly conclusive of the guilt of Trist in conniving at, aiding and abetting, by all means in his power, the African slave-trade by Americans, Portuguese, and Spaniards.

After dinner, Mr. Luther A. Peck was here, with Mr. Patterson, from the western part of the State of New York, and a brother of the late General Brown. He asked me who wrote the order from the War Department announcing the decease of General Brown. I said I wrote it myself. He said he had always thought so.

6th. Before noon I rode to the Capitol, and found the suit between Massachusetts and Rhode Island yet pending before the Court. Mr. Whipple was finishing, and the Court postponed the case till Monday, to hear the closing argument of Massachusetts, by Mr. Webster. He was yesterday nominated by President Harrison, and confirmed by the Senate, to be Secretary of State. The other heads of Departments were also nominated, and all confirmed yesterday, except the Postmaster-General, Francis Granger, whose nomination was laid over this day and then confirmed by a party vote.

In the Supreme Court there was some question between Mr. Walker, the Senator from Mississippi, and Mr. Coxe, and between Mr. Crittenden, the new Attorney-General, and Mr. Key, upon certain pending cases, but of little interest. The ex-Attorney-General, Gilpin, was there, shorn of his beams, and having, apparently, nothing to do. Walker, of Mississippi, came to me and said he wondered how any one could ever have thought that the case of the Amistad had anything to do with abolition. Peters is too confident of a decision of the Court in our favor. My anxiety for it is intense, and deeply distrustful. I went into the office of the Clerk of the House, and spent two hours in reading over Trist's correspondence—which is indescribable and inconceivable. There is great disorder both in his head and heart, each of which panders to the other. He complains of an affection of the head.

9th. To the Capitol. I waited upon tenter-hooks half an hour for the meeting of the Court. A young man, named Charles Hopkins, from Vermont, came and requested me to present him for admission as an attorney and counsellor of the Court —which I did. He told me he had already been admitted to the Circuit Court. He was, accordingly, admitted and sworn.

Judge Story delivered the opinion and decree of the Court in the case of the United States appellants *vs.* the Schooner Amistad. It affirms the decision of the District and Circuit Courts, excepting with regard to the negroes. It reverses the decision below, placing them at the disposal of the President of the United States, to be sent to Africa; declares them to be free, and directs the Circuit Court to order them to be discharged from the custody of the Marshal.

Judge Baldwin expressed some dissent from the opinion, which I did not hear, nor did I learn what it was. I went to the chamber of the Committee of Manufactures, and wrote to Mr. Roger S. Baldwin, at New Haven, and to Mr. Lewis Tappan, of New York, to inform them of the decision of the Court, and gave the letters to Mr. McCormick, the Postmaster of the House. The Court had adjourned.

I went into the Senate-chamber, and heard a fiery debate on the proposed resolution to dismiss Blair and Rives as the

Printers of the Senate. Henry Clay closed a short and intemperate speech, by declaring some personalities uttered against him by William R. King, of Alabama, false, untrue, and cowardly. The Senate shortly after adjourned; but in the mean time Dr. Linn, of Missouri, had delivered a note from Mr. King to Mr. Clay, and there was a rumor that King and Clay were both arrested by warrants from a magistrate. I went to the office of the Clerk of the Supreme Court, and wrote a motion for a mandate to the Marshal of the District of Connecticut to discharge forthwith the Amistad captives from custody. I called on Mr. Crittenden, the new Attorney-General, to ask his consent to this motion. He said he saw no objection to it.

10th. To the Capitol. I withdrew the motion for a mandate to the Marshal of the District of Connecticut forthwith to discharge the Africans of the Amistad, at the suggestion of Judge Thompson, who assured me that he would see to it, and that they should be discharged within three or four days.

The Chief Justice read the decision of the Court against Massachusetts upon the demurrer in the case with Rhode Island. Neither Austin nor Webster was there. Peters made a motion for them, which Whipple opposed, and the Court compromised.

The Chief Justice read an opinion upon the Mississippi slavery case, whereupon Judge McLean took from his pocket and read a counter-opinion, unexpectedly to the other Judges, to which the Judges Thompson, Baldwin, and McKinley severally replied, each differing from all the others. About one, the Court adjourned without day. I went to the Senate-chamber, and heard further debate on the resolution to dismiss Blair and Rives as Printers of the Senate. Mangum. Woodbury. Walker. Executive business at four.

11th. I called at the Department of State. The new Secretary, Daniel Webster, was at the President's, but I saw his son, Daniel Fletcher Webster, whom he has appointed Chief Clerk in the place of Dr. Martin. I asked to see the letter of the District Attorney in Connecticut, William S. Holabird, to the Secretary of State, Forsyth, of 20th December, 1839, and the

dispatch of Nicholas P. Trist, Consul at the Havanna, of 22d May, 1838. They were brought to me, and I perceived immediately why about half the dispatch, and the whole of Holabird's letter, had been suppressed in the communication to the House of Representatives. I requested Mr. Webster to say that I wanted copies of these papers, and should be glad if he would furnish me with them. If he thought they could not be furnished without a call from Congress, I should be under a necessity of moving a call at the next session.

12th. I called at Gadsby's, to have some conversation with Mr. Abbott Lawrence, who is in the confidence of Mr. Webster and is in frequent consultation with President Harrison's Cabinet. I asked him if their system of administration was settled and organized.

Not yet.

Was the revenue to be based on the compromise of 1833—between Calhoun and Clay, the South and the West, to the total exclusion of the North, and especially of New England?

He thought not; certainly not with his consent.

I said Mr. Cushing was supposed to be more in the confidence of Mr. Webster than any other member of the Massachusetts delegation in the House; and Cushing had offered in the House to take the basis of the compromise, which had instantly been seized upon by the Whigs of the South, who were for nailing us down to it—till Governor Lincoln was forced to declare his dissent from it. I had said nothing, but had not felt the less. As Mr. Webster was now at the head of the Cabinet, I was assured that the interests of New England would have their due weight in it, and to such a compromise would give my hearty assent and support; but to nothing based on the compromise of 1833.

Mr. Lawrence said that Cushing's declaration was unauthorized and injudicious; that there was a letter written on the same occasion, published in the Boston Atlas, and an editorial article, countenancing that same statement of Cushing's; that Houghton, the editor of the Atlas, afterwards came here, and was taken sick; that he (Mr. Lawrence) asked him what he meant by publishing those articles, and Houghton had told

him it was all a mistake, done in his absence, without his knowledge or consent. Mr. Lawrence said that he and Nathan Appleton had both corresponded with R. B. Rhett, of South Carolina, concerning the tariff; and Mr. Rhett had written to him that he should consider any departure from the compromise as a breach of faith. He looked for the copy of his letter to Mr. Rhett to show me, but could not find it. He said he would converse with Mr. Webster, and see me again.

At Gales and Seaton's office, I found they had not received from Mr. Carroll the copy of the opinion of the Supreme Court in the case of the Amistad. I went to the Capitol, and, with Mr. Carroll, collated the copy with the original draft by Judge Story. We noted two or three mistakes, to be minuted. A copy of the decree was added, and I took it to the office of the National Intelligencer and delivered it to Mr. Gales.

13th. I dined with President Harrison, with a company consisting of Messrs. Badger, Bates, Bayard, Bell, Burnet, Calhoun, Chambers, H. Clay, Crittenden, Evans, Ewing, Rice Garland, Gilpin, Granger, Henderson, R. M. Johnson, Lawrence, Morehead, Paulding, Preston, Rives, Southard, Tallmadge, Todd, Tyler, Solomon Van Rensselaer, Webster, and Woodbury. Crittenden told me he was going to attend the trial of McLeod, at Albany, and asked my opinion, which I gave him—against making a national issue in this case.

15th. The missionary to China, Dr. Parker, was here this morning, and told me he was to leave the city to-morrow morning for New York, and thence to China, by the way of England. He read me a letter which he has written to Mr. Webster, urging what he had recommended before, the appointment of a Minister from the United States to China, and, without naming, yet designating me as peculiarly suited for such a mission. He enquired if the President could not institute the mission, without an Act of Congress.

I said, not without an appropriation. He said that the time of the year was essential, to depart not later than the 1st of June, to accommodate the voyage to the monsoon.

I said it would at all events be impossible this year, even if there should be a special session of Congress this summer. I

observed that Mr. Hawes and Mr. Cushing, members of the Committee of Foreign Affairs, had asked me if I would go on such a mission if tendered to me, and whether I would support in the House a motion for such a mission. I had said that I could not answer the question whether I would go, before it was asked; neither could I support a motion for the mission, knowing that it might be offered to me. Dr. Parker supposes that the offer of our mediation between Great Britain and China might be useful and highly politic; but the time has not yet come, either in our own history or in that of China, for a diplomatic mission from the United States to the Celestial Empire; nor are our own relations with Great Britain on a footing to make an offer of mediation from us between her and another power acceptable.

17th. Mr. Lawrence came to take leave. He was to have departed homeward-bound this day, but postpones on account of the weather. His daughter went off last night with Mr. and Mrs. Preston, for Charleston, South Carolina. Mr. Lawrence told me he had traced to its source the tender by Mr. Cushing to the South of our accession to the compromise; that it had been concerted with Mr. Preston and some other person: he meant, but did not name, Webster. The remonstrances against Cushing's proffer were so immediate and loud that Webster has fallen back, and Cushing will be left to explain or back out. Ewing is for banks, discriminating duties, distribution of the proceeds of the public lands, and ample provision for the payment of the public debt, principal and interest.

Wise claims the mission to Paris, but will accept the place of Chargé d'Affaires to Naples. He made his anti-tariff, duelling, nullification speech to show his teeth; and Mr. Lawrence says he told Webster that the best thing he could do with him would be to pack him off and get rid of him. Mr. Lawrence left with me copies of a letter from him to H. Clay of 22d January, 1833, and of one from him to R. B. Rhett of 16th February last, both protesting against the abandonment of the principle of protection to domestic industry.

18th. Leonard Adams is an inhabitant of this city, about

sixty-five years of age, originally from Massachusetts, but who has resided many years here, and raised, by laborious industry, a family of ten children, five of whom are yet living. He has been these two years working as a laborer at the Patent Office, and came now to ask my influence to obtain for him some place in one of the Departments as watchman or messenger. I might as well undertake by my influence to obtain for him the office of porter at the gate of heaven.

I looked into the massive volumes of correspondence communicated to the British Parliament, and found several documents relating to the case of the Amistad, and large portions of the correspondence of Nicholas P. Trist. Much of the day wasted in this reading, with very little progress made. I went to the Department of State, and examined the correspondence between the late Secretary of State and the United States District Attorney in Connecticut, Holabird, relating to the Amistad Africans. The original draft of the order of Martin Van Buren, dated 7th January, 1840, to the Marshal of the District of Connecticut to deliver over to Lieutenant John S. Paine, of the United States Navy, and aid in conveying on board the schooner Grampus, under his command, *all* the negroes late of the Spanish schooner Amistad in his custody, under process now pending before the Circuit Court of the United States for the District of Connecticut, is annexed to the draft of a letter from the Secretary of State to the Secretary of the Navy of 7th January, 1840, published in Document 185. There is in the draft of the order an interlineation erased, making it conditional on the event of the dismissal of the suit by the Court; the date of 7th January, 1840, is also erased; but no record of the correction made after the return of the warrant by the District Attorney, nor any notice of the change in the volume of records. The letters from Holabird to Forsyth, of 5th, 9th, and 21st September, 1839, are all garbled in Document 185. I asked Mr. Webster if the President could not authorize a public vessel, going to be stationed on the coast of Africa, to give a passage to all the liberated Africans, the District and Circuit Courts having so decreed, and the decree of the Supreme Court, though declaring them free—not slaves, not pirates, not robbers

—yet having taken from them the vessel found in their possession, indispensable to them for the accomplishment of their voyage home, and her cargo, their lawful prize of war, and which furnished them with ample means for their return to Africa.

Mr. Webster appeared at first startled at the idea that the Amistad and her cargo were the property of the Africans; but afterwards, upon my urging the equity of sending them home, and its conformity to the policy of the slave-trade Acts of Congress, he said he saw no objection to furnish them with a passage in a public ship, and would speak of it to-morrow to the Secretary of the Navy.

I spent the evening in answering letters of invitation to deliver addresses, discourses, and lectures.

19th. General Joseph G. Swift is one of the numberless office-hunters blockading the President's house and all the Executive departments of the Government—famished for place. He was the first of the cadets educated at the public expense; then an officer of the Engineer corps; then, disturbed in his prospects of promotion by the admission of General Barnard into the corps, and petted by Calhoun, when Secretary of War, for his sycophancy, he resigned his commission in the army in 1818, and was appointed Surveyor of the port of New York; re-appointed by President Monroe, and superseded by me in February, 1827, when Peter Stagg was (appointed), two months after Swift's commission had expired. Swift's conduct had been in many respects questionable, and he was involved in dark and suspicious money-jobbing. On the 15th of last month I received a note from this person, requesting me to inform General Harrison that he was ready and willing to serve his country in any suitable office. I took no notice of this. About a fortnight after this, some friend of his took an opportunity in the Senate-chamber to say to me that General Swift wanted a recommendation or certificate of good conduct or character from me; which I declined to give. Last evening I received a letter from Mr. Frye enclosing a written statement by General Swift, alleging that George Sullivan and Mr. Sands had told him that I had said that if Swift could clear himself of the

conspiracy trials he should not be disturbed in his office of Surveyor; and, as he was honorably acquitted upon the conspiracy trials, he has a right to expect from me a certificate that the motive for omitting to renominate him was *not* in consequence of any participation by him in those transactions. The impudence of this thrice-repeated call on me to help him in his office-beggary almost ruffled my temper. My recollection of the reasons for not renominating him is quite indistinct, but my impression is that the principal reason was that which he wants me now to certify that it was not. I called at the Treasury Department, and enquired for the correspondence relating to appointments in 1826 and '27, but was informed by the Chief Clerk, McClintock Young, that all those papers were destroyed in the fire of 1833.

20th. The proclamation calling an extra session of Congress to meet on Monday, the 31st of May next, was issued on St. Patrick's day, last Wednesday, the 17th. It alleges sundry important matters, chiefly relating to the condition of the finances of the country, as the motives for the convocation. Since the close of the session of the Senate, last Monday, the removals from office have commenced, and they are going on swimmingly.

Mr. Lay was with me this morning about two hours. He proposes to leave the city on Monday, to return home. He says the whole New York delegation have recommended him earnestly for the office of Chargé d'Affaires at Naples; but the appointment cannot be made before the session of Congress, there being no appropriation for an outfit, and Mr. Webster, between the weight of recommendations in favor of Lay and his extreme solicitude to conciliate the South, knows absolutely not what to do. And who should the South crowd upon him for the Neapolitan mission but Duff Green, who demands it in a tone so peremptory that it will brook no refusal, and who alleges a necessity for the office no less urgent than a Sheriff's execution now bearing upon the furniture of his dwelling-house, requiring the application of an outfit to be removed!

Mr. Webster is not altogether reconciled to this bestowal of

honor and profit upon Duff Green; but there is a pressure upon the gratitude, and perhaps upon the promises, of the President. As yet, the appointments have not been absolutely discreditable. Edward Curtis, after the long agony, is Collector of the Customs at New York, and Ogden Hoffman is District Attorney. Mr. Lay said he had been offered, as a substitute for the office of Chargé d'Affaires to Naples, the same station at Brussels or at the Hague; and he asked me which of them would be the most desirable.

I said I thought Brussels would deserve the preference, and that, with the exception of the climate, either of them would be preferable to the bottom of the boot at Naples.

Mr. Lay delicately intimated to me again his wish that I would recommend him for the place at Naples to President Harrison. I have a hard struggle to resist these applications from worthy and kind friends for my influence to befriend them. But, independent of the humiliation of asking favors where I have no service to allege, I have the intimate conviction that *any* recommendation from me would be sure to exclude the individual recommended from *any* appointment.

21st. *Sunday.*—In the afternoon, at St. John's Church, I heard Mr. Hawley read the service for the fourth Sunday in Lent, and preach from Revelation xxii. 12: "And, behold, I come quickly; and my reward is with me, to give every man according as his work shall be." The preacher remarked how universally all men worked for reward—which he illustrated by sundry specifications, but never bethought himself of the slave. If he had thought of it, he would not have ventured to take the verse for a text. The courtly preacher never mentions hell to ears polite. Massillon sometimes preached to the conscience of Louis the Fourteenth; but no minister of the word of God, south of Mason and Dixon's line, ventures to preach one word against slavery. Not a few preach slavery itself.

I am yet, and shall be I scarcely know how long, absorbed in the drudgery of assorting, filing, and endorsing letters, which I have been receiving during the whole session of Congress and two-thirds of which, when received, I had not even time to read. I am compelled to read them now, and groan under

the waste of time consumed upon such trash. There is not one in fifty of them worth the paper upon which it is written; and if I begin to read anything else, daylight fades into twilight, and twilight into darkness, before I am aware that the day is gone, and I have done nothing. I this day took up and made a minute of eight folio pamphlet documents, containing about thirteen hundred pages of papers communicated to the British Parliament in 1839, and forty relating to the slave-trade, divided into classes, A, B, C, D, two sets of each. What can I do with them? It is impossible to separate the discussion upon the African slave-trade from the moral and political aspects of slavery; and that is with us a forbidden topic. I apprehend this is the rock upon which the Harrison Administration will drift and go to pieces, as it is the quicksand upon which that of Van Buren was stranded. The tariff and the bank are but suckers from the root.

22d. I went to the Navy Department, and read the instructions from the Secretary, J. K. Paulding, to Lieutenant John S. Payne, commanding the schooner Grampus, from 2d to 20th January, 1840, and the letters from Lieutenant Payne to the Secretary in answer to the instructions—of which there are seven, with sundry enclosures. Deeply interesting. I took minutes of their dates. The memorandum from the Department of State, 2d January, 1840, is not there; nor any copy of the warrant from Martin Van Buren to the Marshal of the District of Connecticut to deliver the Amistad negroes to Lieutenant John S. Payne. No copy of either was kept at the Department. Mr. Jocelyn called here while I was out, and in the evening again, when I had a long conversation with him respecting the Amistad Africans. They are now discharged from prison, and have been sent to be employed and instructed at Farmington, about twenty-five miles from New Haven. I advised that they should be sent home as soon as could be done with convenience and safety.

23d. I received, two days since, a letter from a stranger, advising me now to retire from the world; the only reason for my postponing which is that I cannot afford it. There is another, which I should have much trouble to overcome, but which I

would encounter; that is, the vacuity of occupation in which I could take an interest. More than sixty years of incessant active intercourse with the world has made political movement to me as much a necessary of life as atmospheric air. This is the weakness of my nature, which I have intellect enough left to perceive, but not energy to control. And thus, while a remnant of physical power is left me to write and speak, the world will retire from me before I shall retire from the world.

24th. I visited the Department of State, and left with Mr. Webster a letter from Richard B. Jones soliciting the appointment of Consul at the Havanna. I said I hoped it would be seriously considered of very great importance to the honor and reputation of this country that the Consul to be appointed there should be proof against the temptations of connivance at the African slave-trade.

Mr. Webster said he would speak to the President on the subject to-morrow. He directed his son also to send an instruction to the Marshal of the District of Connecticut to amend his return of the Amistad Africans on the census as slaves.

I searched with Mr. Derrick for the correspondence relating to the Acts of the Legislature of South Carolina of 21st December, 1822, against the admission of free colored men into the State. Found only part of it. Postpone further search till to-morrow. I found also the letter from the Secretary of State, Forsyth, to N. P. Trist, then Consul at the Havanna, of 6th January, 1840, which was not sent. At half-past seven o'clock this evening I delivered at Dr. Laurie's church my lecture upon Faith. The house was crowded, but so dark that I could see not more than five or six persons in the front pews. On no previous occasion of discoursing have I ever witnessed so little interest taken in it by the auditory.

25th. Mr. Albert Fitz, a young man from Boston, by his own account a most accomplished clerk, came to me yesterday, a total stranger, and said he wanted an office in any one of the Departments, and one word, one single word, from me to Mr. Webster. He had a strong recommendatory letter to Mr. Robert C. Winthrop, and had relied very much upon his

influence; but he was gone. He showed me also a highly commendatory letter from Mr. Abbott Lawrence to the Postmaster-General, Granger, but wanted one word from me to Mr. Webster, for he was a most accomplished clerk, and had supported his mother ever since he was sixteen years of age. He seemed disposed to take no answer to his request that I would speak one word for him to Mr. Webster.

This morning Mr. Van Zandt called to ask for an extract from my lecture delivered last evening; of which he spoke in flattering terms. I told him it would be published, and I would give him a copy of it. Dr. Todson called—admired my lecture very much, and was quite anxious that I should say a word for him to Mr. Webster.

Mr. Franklin and Mr. Leib, from Pennsylvania, strangers, came to visit me. Mr. Leib informed me that he was a candidate for the appointment of an Auditor in the Treasury Department; that he had rendered important service in the Harrison cause, and, among other things, had undergone a prosecution or suit at law, the report of which was in the ninth volume of Watts's Pennsylvania Reports. Mr. Matthew St. Clair Clarke was his friend with the Secretary of the Treasury, and wanted to show him this volume of Watts's Reports. It was in the Congress library, but could be taken out only by a note from a member of Congress; and, as there was no member from Pennsylvania here, Mr. Leib requested a note from me.

I took the book out and delivered it to Mr. Franklin.

Mr. Kavassales was also here, anxious for an answer from the Secretary of the Navy, who is gone to North Carolina. Two young men by the name of Williams came for my influence to obtain a midshipman's warrant for Clarendon Williams, the youngest of them. I advised him to have his name entered on the register at the Navy Department. Mr. Homer, of Boston, is here with a project for a Government printing-establishment, and says Mr. Webster has promised to take care of him.

Mr. Richardson came to enquire if I had received several recommendations of him as Consul at Havre. I had one. He said he had no wish that Mr. Beasley (who, I told him, was an

old friend of mine) should be removed. I went to the City Hall upon a second vain search for the registry of Drady Ann Whitlow's free papers. I left in the Circuit Court room an answer to Judge Cranch, and a letter to him from my son. I rode to the Capitol, and walked home. Walk with my wife after dinner. Judge what time I have had this day for *any* useful occupation.

26th. I called at the Treasury Department, and found the Secretary, Ewing, so oppressed with business that I could have with him only a very short conversation. I enquired into the present condition of the Smithson Fund, and showed him my three resolutions offered to the House on the 30th of December last, and the letter to me of Levi Woodbury of the 18th of January. Upon enquiry of Mr. McClintock Young, it appeared that the interest of the last year on the Arkansas bonds was invested in Illinois stocks at seventy-nine. Mr. Ewing said he would call at my house to converse with me on this and other matters.

27th. I walked round the President's square at evening twilight, and waded along nearly through N. P. Trist's dissertation philippic addressed to the British Commissioners at the Havanna in the form of a letter dated 2d July–29th August, 1839—an elaborate, insolent, crafty, hypocritical treatise to sustain and justify the African slave-trade and negro slavery, under hollow professions of deep detestation of them both. This paper, and the whole of Trist's correspondence, and his conduct as United States Consul at Havanna, are among the most remarkable phenomena of the death-struggle now in continual operation between the spirit of liberty and the spirit of bondage on this continent of North America. Trist has the ambition to act a prime part in this great convulsion.

29th. I completed the assortment and filing of my letters received since the beginning of this year, and find myself with a task before me perfectly appalling. I am yet to revise for publication my argument in the case of the Amistad Africans; and, in merely glancing over the slave-trade papers lent me by Mr. Fox, I find impulses of duty upon my own conscience which I cannot resist, while on the other hand are the magnitude,

the danger, the insurmountable burden of labor to be encountered in the undertaking to touch upon the slave-trade. No one else will undertake it; no one but a spirit unconquerable by man, woman, or fiend can undertake it but with the heart of martyrdom. The world, the flesh, and all the devils in hell are arrayed against any man who now in this North American Union shall dare to join the standard of Almighty God to put down the African slave-trade; and what can I, upon the verge of my seventy-fourth birthday, with a shaking hand, a darkening eye, a drowsy brain, and with all my faculties dropping from me one by one, as the teeth are dropping from my head —what can I do for the cause of God and man, for the progress of human emancipation, for the suppression of the African slave-trade? Yet my conscience presses me on; let me but die upon the breach.

I walked about half an hour for exercise before dinner, and called at the house of Mr. H. S. Fox, the British Minister, to have some conversation with him. It was two o'clock P.M. The servant at the door told me that he was not up, and that he was unwell. I enquired at what time he was usually visible. He said, between three and four. I had heard that his usual hour of rising was three.

April 2d. The condition of the President's health is alarming. He was seized last Saturday with a severe chill, and the next day with what his physicians called a bilious pleurisy. Since that time he has been very ill, with symptoms varying from day to day, and almost from hour to hour. The porter at the door answers all enquirers, that he is better; while Mr. Chambers and Mr. Todd report that there is no change, and the physicians agree to answer all alike. Yesterday, during the daytime, the answer was, much better; last evening, not so well; this morning, quite out of danger.

I rode to the Capitol, to enquire for the last sheets of the House journal of the late session of Congress, and for the documents relating to the slave-trade, and N. P. Trist's correspondence, neither of which is yet from the press. Returning home, I stopped at Taylor's book-store and settled an old bill; then at Mr. Cushing's lodgings, but he was abroad; then at the

National Intelligencer office, where I found Mr. Seaton very much occupied. He had a note from Colonel Todd, written at nine this morning, informing him, with extreme pleasure, that the President was decidedly better, and a second note, between twelve and one, that the four physicians, being then in consultation, confirmed the previous report. The remainder of the day, frequent reports announced much improvement, and rapid recovery, till evening, when unfavorable symptoms again recurred.

My time slips away from under me week after week, while I am doing nothing. I was all this day absorbed in struggling to answer a letter from Messrs. Jocelyn, Leavitt, and Lewis Tappan, about the Amistad Africans, whose case involves deeply perplexing questions yet to be discussed and adjusted. And I had this day a letter from Mr. Leavitt mentioning that the printer was calling for my revised argument before the Supreme Court, upon which I have not yet commenced. Upwards of two hours of my time was consumed in reading documents in the Parliamentary papers relating to the slave-trade, accumulating proofs of the duplicity of Spain and Portugal in their treaties with Great Britain and in their edicts against the slave-trade. With that same duplicity the Government of the United States stand heavily charged; and with such defences as Forsyth's dispatches and Trist's dissertations, compared with the last paragraph of Van Buren's last annual message to Congress, an American must hide his head for shame. The consummation of the whole system of policy is disclosed in N. P. Trist's letter to the British Commissioners of 2d July and 29th August, 1839.

3d. I finished my letter to Simeon S. Jocelyn, Joshua Leavitt, and Lewis Tappan, declining a proposal made to me by them to commence a correspondence with Lord Palmerston respecting the case of the Amistad Africans. On full deliberation, I concluded that it would be improper, and perhaps an infraction of the Act of Congress of 30th January, 1799. This subject of slavery is yet festering; and this morning's National Intelligencer contains the letter of John M. Patton, acting Governor of Virginia, to William H. Seward, Governor of the State

of New York, announcing his readiness to deliver up a man charged with forgery in New York, arrested in Virginia, and whom the late Governor, Gilmer, had refused to deliver up at the requisition of Governor Seward; also the message from Governor Seward to the Legislature of New York of 26th March last, which is firm, spirited, and well-tempered. Hitherto, the controversy has been much more ably managed by Seward than by the Virginians; but there have been symptoms of the basest defection to the cause of freedom among the New York Whigs, and a disposition to sacrifice Seward to the South, which will excite fearful misgivings of the result.

The President's illness returned shortly after noon with extreme violence. Expresses had already been sent to Baltimore for Dr. Alexander, who came, and for Dr. Chapman to Philadelphia. The reports from the house were more and more desponding the whole evening, and the physicians pronounced that he could not survive the night.

4th. At thirty minutes past midnight, this morning of Palm Sunday, the 4th of April, 1841, died William Henry Harrison, precisely one calendar month President of the United States after his inauguration. The first impression of this event here where it occurred is of the frailty of all human enjoyments and the awful vicissitudes woven into the lot of mortal man. He had reached, but one short month since, the pinnacle of honor and power in his own country. He lies a lifeless corpse in the palace provided by his country for his abode. He was amiable and benevolent. Sympathy for his sufferings and his fate is the prevailing sentiment of his fellow-citizens. The bereavement and distress of his family are felt intensely, albeit they are strangers here and known to scarcely any one. His wife had not even left his residence at North Bend, Ohio, to join him here. An express was sent for her two or three days since; but the tidings of death must meet her before she can reach this city.

The influence of this event upon the condition and history of the country can scarcely be foreseen. It makes the Vice-President of the United States, John Tyler, of Virginia, Acting President of the Union for four years less one month. Tyler

is a political sectarian, of the slave-driving, Virginian, Jeffersonian school, principled against all improvement, with all the interests and passions and vices of slavery rooted in his moral and political constitution—with talents not above mediocrity, and a spirit incapable of expansion to the dimensions of the station upon which he has been cast by the hand of Providence, unseen through the apparent agency of chance. To that benign and healing hand of Providence I trust, in humble hope of the good which it always brings forth out of evil. In upwards of half a century, this is the first instance of a Vice-President's being called to act as President of the United States, and brings to the test that provision of the Constitution which places in the Executive chair a man never thought of for it by anybody. This day was in every sense gloomy—rain the whole day.

5th. A handbill was circulated yesterday, and published in the National Intelligencer this morning, signed Daniel Webster, Secretary of State, Thomas Ewing, Secretary of the Treasury, John Bell, Secretary of War, John J. Crittenden, Attorney-General, and Francis Granger, Postmaster-General, announcing the decease of William Henry Harrison, President of the United States. Another letter is published, signed by the same persons, addressed to John Tyler, Vice-President of the United States, to inform him of the sad event, immediately after which it was dispatched by Fletcher Webster, Chief Clerk of the Department of State. The Secretary of the Navy, Charles Badger, is absent in North Carolina. Also, a report of the attending and consulting physicians, addressed by Dr. Thomas Miller, and signed by Frederic May, M.D., N. W. Worthington, M.D., S. C. Hall, M.D., and Ashton Alexander, M.D., stating very briefly the disease and its progress and termination. Then arrangements for the funeral on Wednesday, the 7th instant, at noon—signed also by the five heads of Departments; in one of which I am invited by name, as ex-President of the United States, to attend. The corpse of the late President Harrison was laid out, in a plain coffin covered with black velvet, on a table in the middle of the entrance-hall at the President's house. At two o'clock P.M. I went, with my

wife and Mrs. Smith, and took a last look at the face of the patriot warrior, taken away thus providentially from the evil to come.

I then parted from the ladies, and called on Mr. Caleb Cushing, whom I found at his lodgings, dining in solitude. He has postponed his departure to visit his home till next week. Conversing with him on various political topics, I found him doubting what will now be the principles of the Administration substituted for that of General Harrison, and very reserved in the expression of his own opinions.

Evening visit from Mr. Hawley, who is in some perplexity with regard to the prayer in the Church service for the President of the United States. He read it yesterday morning; but some person this day questioned the propriety of it. He came to ask my opinion; which I gave him—that it was not improper, but that some variation of expression might be proper. He will write to the Bishop of the diocese.

6th. The arrangements for the funeral of the late President of the United States, William Henry Harrison, were published in this day's National Intelligencer. The Vice-President, John Tyler, of Virginia, arrived here at five o'clock this morning, and took lodgings at Brown's Hotel. At noon, the heads of Departments waited upon him. He requested them all to continue in their offices, and took the official oath of President of the United States, which was administered to him by William Cranch, Chief Justice of the Circuit Court of the District of Columbia. The Judge certifies that although Mr. Tyler deems himself qualified to perform the duties and exercise the powers and office of President, on the death of President Harrison, without any other oath than that which he had taken as Vice-President, yet, as doubts might arise, and for greater caution, he had taken and subscribed the present oath. And may the blessing of Heaven upon this nation attend and follow this providential revolution in its Government! For the present, it is not joyous, but grievous. The moral condition of this country is degenerating, and especially that part of its institutions which is organized by the process of unceasing elections. The spirit of the age and country is to accumulate power in the hands

of the multitude, to shorten terms of service in high public office, to multiply elections and diminish Executive power, to weaken all agencies protective of property or repressive of crime, to abolish capital punishment, imprisonment for debt, and even the lien upon property of contracts. Slavery, temperance, land-jobbing, bankruptcy, and sundry controversies with Great Britain constitute the materials for the history of John Tyler's Administration. But the improvement of the condition of man will form no part of his policy, and the improvement of his country will be an object of his most inveterate and inflexible opposition. May the omnipotence of God overrule the depravity of man! Of human purpose or human energy I despair.

7th. Funeral of W. H. Harrison, President of the United States. This ceremony was performed in a decent and unostentatious manner, with proper religious solemnity, and with the simplicity congenial to our republican institutions. A quarter-before twelve, noon, I attended at the President's house, where, in the centre of the East Room, the coffin, covered with a black velvet pall, was placed on a plain table, by the side and crosswise of which was another, at which the Rev. Mr. Hawley, rector of St. John's Church, read the Episcopal funeral service, with a very brief additional statement of two facts. The first, that, the day after General Harrison entered the President's house, he walked out into the city and purchased a Bible and a Prayer-book, both of which were on the table, and were exhibited to the assembled auditory by the officiating divine, who said that it had been the daily practice of the late President to commence the day by reading in that Bible.

The other fact was, that he had expressed his regret at not having joined in full communion with the Church, and that it was his intention to have done so on the ensuing Easter-day —next Sunday.

After the reading of the Church service, the order of procession was formed, Mr. Carroll, the Clerk of the Supreme Court of the United States, officiating as one of the Marshals. He called out, in succession, the Mayors of the three cities of Washington, Georgetown, and Alexandria; then the clergy, and the physicians. Then eight soldiers of the Marine Corps

came in and bore away the coffin, which was placed on a car drawn by six white horses. Twenty-six pall-bearers, in white scarfs, one representing each State in the Union, followed the corpse. Then the family and relatives of the late President. Then the Acting President, and heads of Departments. Then the ex-Presidents—that is, myself—with Messrs. Forsyth, Poinsett, Paulding, and Gilpin, heads of Departments of the late Van Buren Administration. After which came the Judges of the Courts, Senators, Foreign Ministers, Legations, and Commissioners; and then the members of the House of Representatives, Governors of States and Territories, &c.—all preceded by a numerous and diversified military escort. Mr. Semmes, the Chief Clerk of the Navy Department, rode with me in my carriage. The Corps Diplomatique were in full costume, but Mr. Fox, the British Minister, was not present, nor, I believe, any member of the British Legation. Vast crowds of people followed in the procession, and the avenue from the palace to the Capitol was equally thronged. The city bells were tolled, and minute-guns were fired from the western terrace of the Capitol. A floating multitude, male and female, of all ages and colors, followed the procession to the Navy-Yard burying-ground, where the corpse was deposited in the receiving-vault—with some difficulty from the excessive crowd, but not the slightest disorder. On the return, only the military escort continued in procession. I took up Mr. William Brent, who had lost his carriage, and left him on Capitol Hill. I reached home at half-past four, and idled off the remainder of the day.

9th. Mrs. Barney came this morning, and requested of me a letter to Mr. Tyler recommending her son for the appointment of Surveyor of the Customs at Baltimore—the place which her husband held by my appointment, and from which he was removed by President Jackson. Mrs. Barney thinks this a substantial title to her son to be restored to the office; and she could not comprehend the scruple of propriety upon which I declined to furnish a letter in his behalf. It is so distressing to refuse a favor to a woman that I am almost out of humor with myself for adhering to principle.

Dr. Mayo came to ask again for his interrogatories upon

which my deposition was taken before the Mayor last February. The Doctor's action against Blair and Rives for a libel, in charging him with having *purloined* President Jackson's letter, has been non-suited upon demurrer, the Circuit Court of the District having decided that the word was not actionable. The Doctor has repeatedly applied to me for these interrogatories, which I had mislaid, but which, upon overhauling my papers, I had found, and now returned to him. He promised to send me a copy of them; but I do not expect he will.

13th. Mr. Dickinson called on me this morning, and introduced himself to me by presenting a letter, dated at Albany the 1st of this month, from the Governor of New York, William H. Seward, to the late President Harrison, recommending Mr. Dickinson as a man of plain speech but of great intelligence, and of weighty influence as a member of the Senate of New York. Mr. Dickinson did not arrive here till after the death of General Harrison, and had not seen either the new President Tyler or any of the heads of Departments. The Legislature of New York are still in session, and will continue so, Mr. Dickinson thinks, till the latter end of May.

That in the midst of the session this gentleman should come away from Albany, with such a letter from the Governor of the State to the President, suggested naturally to me conjectures that his visit here was upon a political mission to ascertain the purposes of this Administration upon important points of policy, and to concert a corresponding system of action for the Legislature of New York. Mr. Dickinson did not tell me that he was thus deputed; but he manifested great anxiety to know what were the intentions and the expectations of the Administration with regard to a national bank, a tariff, and the distribution among the States of the proceeds of the public lands.

I told him I knew nothing more upon these subjects than was to be gathered from the newspapers, and advised him to see the President and the Secretaries. I said there was another subject which I deemed of more vital importance to the Union than the bank, the tariff, the currency, or the land and State debts questions, or than all of them together; and that was the controversy between the States of New York and Virginia, and

the slavery question generally, about which not one word was said by Mr. Tyler in his address to the people of the United States, intended for an inaugural exposition of his principles of administration.

He said he thought as I did with regard to the importance of the question between New York and Virginia. I enquired if the people of New York would sustain Governor Seward in the stand he had taken. He said, certainly; and that there was but one weighty member of the Senate opposed to it or doubtful of it—Gulian C. Verplanck. I suppose Verplanck to be the ablest man in that Senate; but the nerve is not in him. He is of the class of men whose last resort always is to compromise with principle.

14th. Mr. Poinsett called upon me, and now fully disclosed his project, which is to place the investment and disposal of the Smithsonian funds under the management of the American Institution for the Promotion of Literature and Science. He concurs entirely in my views of confining the appropriations to the annual interest, leaving the principal unimpaired, and of making the first appropriations for the establishment of an astronomical observatory. But he did not approve of leaving the selection of the spot to the Secretary of the Treasury, and thought the hill opposite Analostan Island objectionable on account of its exposure to fogs, from its proximity to the river. He spoke of two or three other places between Meridian Hill and the President's house, with some remarks on each spot worthy of consideration. He said he had at present no other occupation on hand, and would be willing to devote two years entirely to organizing this establishment and getting it into full operation. I know not that it could be accomplished more effectively, and think I must acquiesce in this arrangement and endeavor to carry it through. The chief obstacle, however, will now be to extricate the funds from the fangs of the State of Arkansas. Mr. Poinsett thought that they paid the interest upon their bonds punctually; but the law requires that the interest should, when paid, be immediately reinvested in State stocks; and I struggled in vain at the late session of Congress to obtain a repeal of that law. Mr. Poinsett said he was now

going in a very few days to South Carolina, but should soon return here.

I received a letter from Mr. Joshua Leavitt, with slips from newspapers embracing the whole of my speech before the Supreme Court of the United States in the case of the Amistad captives. I cannot longer delay to undertake the revisal of it, unless I abandon it altogether.

15th. I finished my letter to the Governor of New York, which I marked private, but wrote with a constant anticipation that it may be published very soon, and in all probability will be, sooner or later. I have laid down the principle of international law upon which I concur with him in his controversy with the Executive authorities of Virginia. I take what I believe to be the impregnable position, the right of each sovereign party to a contract to construe its provisions for itself, but not to impose its construction upon the other. I have not touched upon the policy or impolicy of delivering up fugitives from justice, nor upon the usages among civilized nations, nor upon the degree of transgression embraced in the definition of the word crime. Upon all these points there is much debatable ground; but the independent right of construction on both sides, the necessity that both parties should understand the words constituting obligation in a compact in the same sense, and the basement story of the controversy—the conflict between freedom and slavery—are parts or auxiliaries of Seward's argument which cannot be shaken. Prudence has warned me to stand aloof from this contest; but I cannot. The leading men of the North are all truckling to Southern slavery. They are all ready to desert Seward in the stand that he has taken. I see what it will cost me to stand by him; but I have so little political capital left that the remnant is not worth saving, especially at the cost of base desertion from the cause.

16th. I paid a visit this morning to Mr. Tyler, who styles himself President of the United States, and not Vice-President acting as President, which would be the correct style. But it is a construction in direct violation both of the grammar and context of the Constitution, which confers upon the Vice-President, on the decease of the President, not the office, but the

powers and duties of the said office. There is a dogmatical article in the National Intelligencer asserting this false construction; which is not worth contesting, but which to a strict constructionist would warrant more than a doubt whether the Vice-President has the right to occupy the President's house, or to claim his salary, without an Act of Congress. He moved into the house two days ago, and received me in the old south-east Cabinet chamber. He received me very kindly, and apologized for not having visited me without waiting for this call. To this I had no claim or pretension. My visit was very short, as there were several persons in attendance, and among them Mr. Southard, now President of the Senate.

17th. I should have mentioned that yesterday morning I visited Mr. Poinsett and took leave of him previous to his departure for Charleston, South Carolina. I enquired when he proposed to return here, and understood him to say not till next winter; but then he comes for two years, to preside over the National Institution for the Promotion of Science; and, as he expressed a wish that the Smithsonian Fund might be connected with that Institution and placed under its management, I requested him to take the bill reported to the House with my report of 5th March, 1840, and prepare any amendment to it which would carry out his views, and send it to me before the approaching session of Congress; which he said he would do.

18th. *Sunday.*—I borrowed from the occupations of the week the morning hours, to finish a letter to Thomas Ewing, Secretary of the Treasury, concerning the Smithsonian Fund, its investment, and its application. It involves the condition of the Navy Pension Fund, the State debts, the public lands, Indian treaties and trusts, and the whole system of administration of the finances, revenues, receipts, and expenditures of the nation. I present it only so far as concerns the Smithsonian Fund and projected Institution.

19th. Dr. Mayo brought and read to me the answers to his interrogatories of Mr. Westcott, Secretary of Florida, upon Dr. Mayo's libel suit against Blair and Rives. The endorsement by President Jackson upon his confidential letter of December,

1830, to W. Fulton, the Secretary of the Territory of Arkansas, was that a copy of the same letter should be addressed to the Secretary of the Territory of Florida. Westcott answers that he never did receive such a letter from President Jackson, but that he knew everything about Houston's project for liberating Texas from the tyranny of Mexico, not only in 1830, but as early as 1829; was himself ardently favorable to it; urgently recommended to many of his friends to embark in it, as no small number of them, whom he names, actually did; and if President Jackson had written to him for information concerning it, he could, and cheerfully would, have given him all that he could have desired.

I took my letter and pamphlets relating to the Smithsonian Fund to the Secretary of the Treasury, and left them with him, with an earnest request that he would lay the subject before the President. Next I went before the Postmaster-General, and left with him nine several letters of application for post-offices or mail agencies; then to the Secretary of State, with whom I conversed about the Rev. Charles Sewell's claim to a devise in Germany. I mentioned to him the names and claims of Hodgson, Homer, Todson, and Offley. Mr. Bell spent the evening with me in a long conversation upon political affairs.

20th. In my conversation with Mr. Bell last evening, I had reason to conclude that the policy of Mr. Tyler will look exclusively to his own election for the next four years' term as President, and that of Webster will be to secure it for him; that Mr. Clay will be left to fight his own battles with the Land bill, without aid or support from the Administration; and that between Tyler and Webster there will be a concert of mutual concession between the North and the South. Clay will soon be in unequivocal opposition, and the Administration will waddle along, living from hand to mouth; for as to any great, commanding, and compact system, Webster is "a great baby," and Ewing is another. Of course this Administration will be a failure, and a general bankruptcy is impending.

Boston, 25th.—At the First Congregational Church this morning, Dr. Nathaniel L. Frothingham preached from Psalm

cxxxix. 23: "Search me, O God, and know my heart; try me, and know my thoughts." I think I never in my life heard a sermon of purer morality, of more elevated piety, of more affecting exhortation, of deeper impression. It was upon the duty of regulating, controlling, and directing the thoughts. The discourse began by noticing that the first verses of the Psalm attested that God *had* already searched the Psalmist, and known him, and that the all-seeing eye of God perceives and knows the thoughts of men, even before they are formed. He then examined and discussed the opinion extensively prevailing, that thought is free and beyond our control or responsibility—that thoughts cost nothing—and showed, by a strict analysis of their nature, influence, and operations, how they may cost our integrity and our peace, our reason, our existence here and destiny hereafter, and urged the deep concernment to us all of unremitting vigilance over them as they arise in our minds, and of holding them under the curb of a rigorous discipline. This doctrine, truly Christian, is perhaps the crowning glory of Christian morality. The germ of it all may perhaps be found in the tenth commandment of the Decalogue: "Thou shalt not covet." How far the exclusion of evil thoughts may be within our control, is not easily ascertained; but the most effective expedient to keep them out is to occupy the mind unremittingly with good ones. Idleness is the most dangerous instigator of evil thoughts; and they who with good intentions have not inflexibility of principle for adherence to virtue should not leave themselves time to be wicked.

Dr. Frothingham's text this afternoon was from 1 Corinthians i. 31: "He that glorieth, let him glory in the Lord." As an illustration of this precept, he adverted to the passage of the prophet Jeremiah, ix. 23 and 24, where the same injunction is repeated with specific reference to the principal sources of earthly glory, wisdom and power and riches. This sermon was perhaps as instructive as that of the morning, in setting forth the vanity of all human possessions—a lesson which cannot be too often or too forcibly taught; but it was more of a commonplace character, and therefore not so deeply impressive.

Nor was it exhortation to virtue of so exalted an atmosphere or of so difficult attainment. No sacrifice of selfish passions or interests is required for reverence to God or for abstinence from vain-glory; but the dominion over one's own spirit is an arduous and self-crucifying operation to acquire.

26th. There was in this morning's newspapers an advertisement of a meeting of the Alumni of Harvard University at half-past three this afternoon; which I attended with my son. There were between sixty and seventy persons present, and I was called to preside at the meeting. The Society was formed last summer, and in my absence I had been unanimously elected its President. The purpose of the present meeting was briefly stated by Mr. John Pickering, and more at large in a speech by Judge Story. The Constitution of the Society was then read, and a book was opened, to which each member of the Society subscribed his name, with the payment of one dollar. Two resolutions were then offered by Mr. John Pickering, and adopted, for raising a subscription to erect a building which may serve as a dining-hall for their anniversaries and on Commencement-days, and in which the Panorama of Athens, some years since presented by Theodore Lyman, may be in constant exhibition. President Quincy presented plans for such a building, with estimates of the cost, amounting to six thousand dollars, if of wood, twelve thousand, of brick, and seventeen, of stone. The subscription was opened, and several of the members present subscribed each one hundred dollars; for which sum I subscribed my name at the head of the list. There was a committee, of three, William Minot, Charles G. Loring, and Samuel A. Elliot, which called the present meeting, and to whom were now added four others—John Amory Lowell, Benjamin A. Gould, Dr. Francis Parkman, and my son, Charles Francis Adams—to carry the resolutions into execution. The meeting was held in the Circuit Court room, and about five o'clock adjourned without day.

28th. Received two letters having reference to that subject (the case of the Amistad Africans), one from Simeon S. Jocelyn, Joshua Leavitt, and Lewis Tappan, the committee at New York which has supported them through all their trials, expressing

a grateful acknowledgment of my services in their behalf; the other, from Arnold Buffum, dated the 19th instant, at New Garden, Indiana, complaining bitterly of the Act of Congress of 1793, prescribing the process for taking up fugitive slaves, and of certain proceedings of the Colonization Society, with a postscript suggesting an amendment to the Constitution, changing the mode of electing the President of the United States.

This election of a chief magistrate for the whole Union will never be settled to the satisfaction of the people. The theory of frequent elections is, that power cannot be long trusted to the same hands, even of the wisest and best. The two parts can be reconciled to each other only by the inconsistency and corruptibility of human nature in its best estate; and never, never will any great people be satisfied with the result of their own elections of an Executive head. We have now the tenth President of the United States brought into office in the space of fifty-two years that the Constitution has been in operation. One amendment has already changed the mode of election prescribed by that instrument; a second practical alteration has limited the term of service to two periods of four years; and a third is growing upon the impatience of the people, for a further limitation to one term of four years; while the office itself is falling into hands incompetent to the management, and upon heads inadequate even to the conception, of any comprehensive system of administration for the affairs of a great confederated nation. There is not a mind now occupied in the Executive Administration of this Government; and the only change yet accomplished is of one set of low miserable expedients for another. The only prospect now is of recoiling to the last, with aggravation of a shameless failure of the apparent extrication of the country from the fangs of a worthless and profligate faction.

May 5th. I had an evening visit from Franklin Dexter, who has recently received the appointment of United States District Attorney. This visit was unexpected. In a time of depression and trouble to me, in 1829, Mr. Franklin Dexter joined with twelve other men, who had been my friends in profession, in a

dastardly combination and conspiracy against my character and reputation, under false pretences of self-defence from charges, not against them, but which their consciences appropriated to themselves. Dexter had not the shadow of a pretence for joining in this league; and I have had no personal intercourse with him since that day. His mother has repeatedly told me that she disapproved of his participation in that cabal, and that she had urged him to visit me. I suppose he came now in compliance with her wishes. I have forgiven them all, and abstained from publishing a reply to their last manifesto, to which they could have made no rejoinder for posterity. Their policy, which I encountered and exposed, has long been buried fathoms deep, never to rise again.

QUINCY, 21st.—Immediately after dinner I had visits from Mr. Stone and Mr. Sayles, persons connected with the manufactures at Lowell, and much concerned for the prospects of that interest under the present Administration. I feel an utter distrust of the principles of John Tyler, a Virginian nullifier, now acting as President of the United States, and no confidence in the principles or belief in the sincerity of the Secretary of State. Between them and the manufacturing interest my position is so perilous that I am strongly inclined to refuse the office of Chairman of the Committee of Manufactures, and to propose to the Speaker, whoever he may be, to place me on the Naval Committee. The confidence of these gentlemen in the present Administration is not more sanguine than my own. They are very anxious for the passage of my bill of the last Congress for the suppression of frauds on the revenue; of which there is now little chance.

WASHINGTON, 31st.—Twenty-Seventh Congress, first session, commences. Mr. Clarke called upon me this morning, and, alluding to the conversation I had yesterday with Mr. Seaton, of which Seaton had informed him, he protested to me that there was no foundation for the slanderous rumors about the irregularity of his habits. I am compelled to take his promises and Seaton's assurances upon trust, and to pray that I may not be deceived and disappointed.

Next came Mr. Markoe, from the Secretary of State's office,

charged by Mr. Webster to answer a note of complaint from the Spanish Minister about the liberation of the Amistad Africans. Mr. Webster wants information on the subject, and Mr. Markoe is in a panic for fear of offending Spain.

I gave him Mr. Baldwin's argument in the case of the Amistad, and desired him to advise Mr. Webster not on this occasion to truckle to Spain.

Then came Messrs. Slade, Giddings, and Gates, who had been in the caucus on Saturday evening, and had tried to make a vote for Millard Fillmore, but found a division in the minority of the Northern Whigs—the Pennsylvanians claiming the vote for Joseph Lawrence, of that State. Between them the anti-slavery vote shrank into nothing, and they remained with only one vote more, and mine, to vote for Lawrence.

Then came another committee, John C. Clark, Child, and Foster, to request me to make the motion in the House for posthumous honors to the late President Harrison; which I promised to do. At noon I rode to the Capitol.

H. R. U. S. At the roll-call by the Clerk of the late House, Hugh A. Garland, two hundred and twenty-seven members answered to their names. John White, of Kentucky, was chosen Speaker at the first vivâ voce vote. He had one hundred and twenty-one votes; John W. Jones, eighty-four; Henry A. Wise, eight; Joseph Lawrence, five, of which mine was one; Nathan Clifford, one; W. Cost Johnson, one (Wise's); Briggs, one (Borden's). White was sworn by Lewis Williams, took the chair, and made a namby-pamby speech about his incompetency and his impartiality. Then came the choice of Clerk—four votes to make an election. Matthew St. Clair Clarke had thirty-eight, fifty-one, ninety-one, and one hundred and twenty-eight, of two hundred and twenty-four, and was chosen. Hugh A. Garland, the late Clerk, at first eighty, and less and less at each subsequent vote. F. O. J. Smith, the caucus candidate, had ninety-one votes at the first trial, but fell off each time afterwards. Wise moved a resolution to adopt the rules of the last House for ten days, and in the mean time to appoint a select committee of nine to report a revisal of the rules. Underwood moved an amendment of long twist. I moved to amend by

inserting, "except the twenty-first, which is hereby rescinded." Question not taken. Adjourned to eleven A.M.

June 1st. I was belated a quarter of an hour at the Capitol. When I entered the hall, the House had determined to take by yeas and nays the question on my amendment to Underwood's amendment to Wise's resolution to adopt the rules of the last House of Representatives. The Speaker was in the act of ordering the call of the roll when I reached my seat. I addressed the House about three-quarters of an hour in support of my amendment.

Slade rose to speak, but Sergeant, from the joint committee appointed to wait on the President, asked to make a report. The debate on the rules was accordingly suspended. Sergeant reported that the President had informed the committee that he would make a communication in writing to both Houses immediately. The message was then delivered by his son, Robert Tyler, and read by the Clerk. Ten thousand copies extra to be printed, after much debate for more.

Pickens moved a resolution that the seats should be numbered, and drawn by lot, which, after a debate of two hours, and numerous proposed amendments, was laid on the table, by tellers—one hundred and five to one hundred and two. Graham gave notice that he would to-morrow ask leave to introduce a bill to repeal the Sub-Treasury law. Adjourned to twelve to-morrow.

2d. At the office of the National Intelligencer. Neither of the editors, Gales or Seaton, was there. I pointed out to the foreman the egregious error in the report of my speech yesterday in support of my motion to rescind the twenty-first rule of the last House. I sent to the Clerk's table, and caused to be read, the resolutions of the Legislature of Massachusetts against the identical rule. After the House adjourned yesterday, I called at the office expressly to state my solicitude for the correctness of the report, and to request that the resolutions should be published as part of my speech; which Seaton promised to do, but, by a ludicrous mistake, published another set of resolutions, relating to slavery, but having no reference to the rule whatever.

The foreman promised that the error should be corrected in the country paper, and in the daily paper of to-morrow. I spoke on the same subject to Mr. Seaton, at the Mayor's office, and afterwards to Mr. Gales. At the House, the names of the committee of one member from each State on my resolution honorary to the memory of President Harrison were announced—mine as Chairman. James Cooper then announced the decease, on the 10th of May, of Charles Ogle, late a member of the House, with an appropriate eulogy and the usual resolutions. Adjourned to eleven A.M. to-morrow.

3d. At the House, the discussion upon the adoption of the rules of the House in the last Congress was resumed, on my amendment to Underwood's amendment to Wise's motion. Wise accepted Underwood's amendment, and then at great length answered my argument in support of my amendment. He was followed by William Cost Johnson, who made a plausible and temperate speech in support of his course—brought up again, as he did at the time of the adoption of the rule, what he represents as a precedent—the yeas and nays on a motion to lay on the table a motion to receive an abolition petition on the 18th of January, 1836, for which I voted. It was to lie on the table for that day, to be taken up again and be decided immediately after—as it was, by receiving it. Johnson committed the "gaucherie" also of saying that he had a letter from the Acting President, Tyler, declaring his approbation of the rule. I called on him to produce the letter. He said he had it not here, and that it was written last year, when the rule was adopted.

Slade moved two amendments to my amendment, but afterwards abandoned one of them, only retaining that of striking out that part of my amendment which requires the rescinding of the twenty-first rule. Samson Mason proposed, as a compromise, to adopt all the rules for *this* session; and Horace Everett had some other concession to propose. The previous question was vociferously called for from various quarters. I asked of the justice of the House to allow me the opportunity of replying to Wise and Johnson, and of assigning my reasons for not accepting Slade's amendment to mine. The vote on

the previous question was taken by tellers, and resulted—seventy-five to ninety-five. This, according to the Speaker's construction of Parliamentary law, laid over the whole subject to another day.

The Senate had concurred in the appointment of a joint committee to honor the memory of the late President Harrison, and appointed a committee of five on their part—Bayard, Chairman. As Chairman on the part of the House, I went into the Senate-chamber and agreed with Bayard that the committee should meet on Saturday next, at noon, in the Vice-President's chamber; of which I gave notice to all the members on the part of the House.

The report of the Secretary of the Treasury on the finances was received. It proposed a bank. Wise moved a call for the plan, and a committee to report upon it. Much debate and confusion. Adjourned till next Monday, eleven A.M.

4th. Morning call from Dr. Todson and Mr. Kavassales, both applicants for office, and both likely to be disappointed. Todson brought back my French translation of the Silesia Letters, and expects to inflame my zeal in his favor by the great interest he has taken in reading them; notwithstanding which, I fear he will not obtain his office. Nor will Mr. Kavassales be more successful.

I went to the Capitol, to see and converse with the Speaker of the House; but he was neither at his chamber there, nor at his lodgings at Dr. Mayo's. He was gone to the races.

In the Congress library I found in the extra Globe of 19th January, 1836, ample evidence to brand the dirty trick of W. C. Johnson in taking up a list of yeas and nays of the day before, and for which I voted, as a precedent for refusing to receive abolition petitions. I afterwards found further evidence in Gales and Seaton's Register of Debates, and only pray that in exposing this knavish practice I may be enabled to preserve my temper.

I paid a visit to the Acting President, John Tyler, and had a conversation with him upon the condition and prospects of the Smithsonian Fund. The Secretary of the Treasury, Ewing, has not communicated to him my letter of 19th April last, nor

the report, nor any of the documents which I sent him with it. When I went into the room where Mr. Tyler received me, I saw H. A. Wise in the back portico facing the Potomac; but he did not come in while I was there.

My next call was on the Secretary of the Navy. I enquired for the correspondence, on the records of the Department, concerning a mandate of the Supreme Court to S. L. Southard, Secretary of the Navy, of 14th September, 1825, in the case of the Antelope, a certificate from the same Court, of March, and a mandate, of May, 1827; but none such was to be found.

5th. At noon I attended at the meeting of the joint committee on the tokens of respect to the memory of the late President, William Henry Harrison, in the chamber of the Vice-President. The committee on the part of the Senate were Bayard, of Delaware, Prentiss, of Vermont, Benton, of Missouri, Archer, of Virginia, and Walker, of Mississippi; of whom Archer and Walker were absent. Of the House the committee consisted of one member from each State, only two of whom were absent. Mr. Bayard, Chairman of the Senate's committee, proposed two resolutions similar to those adopted on the decease of James Madison; and they passed unanimously, without debate. There was much discussion upon a third resolution for a grant of money to the widow of General Harrison; which was adopted, not unanimously, leaving the sum in blank. The Chairman of the committee on the part of the House was instructed to prepare the bill and report it to the House. Something was said about a eulogy to be delivered before both Houses, but, none such having been pronounced upon Mr. Madison, no formal proposition for it was now made. The committee adjourned without day.

7th. At eleven o'clock the House met. Wise came over to my seat and asked me to yield him the floor on the question about the rules to read a precedent exactly in point in the year 1800. I said, certainly. The Speaker announced my amendment to the motion for adopting the rules of the last House of Representatives as the subject under consideration. I yielded the floor to Wise, who, with a great bustle of pomposity, read

his precedent of 1800, with all the yeas and nays; and it was in truth a precedent as strong as possible against him. As soon as he sat down, I rose, and said, "And the mountain is delivered of its mouse;" and in a speech of about three hours I replied to the speeches of Wise and W. C. Johnson in opposition to mine, supporting my amendment—but as much as one-third of the time in interruptions by Wise and Johnson with fresh speeches, under color of explanations Thomas Butler King, of Georgia, replied to me with great bitterness and virulence. Millard Fillmore then moved the previous question, which the Speaker stated would be first on my amendment (merely "except the twenty-first") (I had accepted Slade's amendment and struck out the rescinding clause) and then upon the resolution to adopt the rules. After much chicanery, the previous question was carried; and the vote, by yeas and nays, on my amendment was carried—one hundred and twelve to one hundred and four; almost exclusively bond and free. After much struggling, the question was carried to adopt the rules with the exception. Then a rugged question of precedence in business, in which Wise wrangled as usual, but which ended in the adoption of the order moved by Briggs, that the standing committees of the House be now appointed, with an additional select committee of nine (moved by John Sergeant) on the currency. McKeon moved a division of the question, and both parts of it were successively carried. I asked leave to make a report from the joint Harrison committee, but in the confusion I was not heard. It was near half-past six when the House adjourned to noon to-morrow. I requested the Speaker not to appoint me on the Committee of Manufactures. He said he did not so intend, and asked if I had any objection to the Committee of Foreign Relations. I said, no.

8th. At the House, an order was adopted to proceed immediately to the election of the officers of the House after the journal had been read and the appointment of the standing committees announced. Instead of the Foreign Affairs, which the Speaker told me he intended for me, he has made Caleb Cushing Chairman of that committee, and me Chairman of the Committee of Indian Affairs; Saltonstall, Chairman of the

Committee of Manufactures; and he has placed me next to Sergeant on his Currency Committee.

The election of Sergeant-at-Arms was fiercely contested, and terminated in the choice of Eleazer Townsend, of New York. In the midst of the election, C. J. Ingersoll moved a reconsideration of my amendment to the resolution adopting the former rules. Fornance moved a reconsideration of the resolution adopting the rules of the former House with my amendment, and Ezra Dean, of Ohio, moved a reconsideration of the order for the appointment of the committees.

The two resolutions honorary to the memory of the late President Harrison were received from the Senate, and concurred in unanimously, though not without difficulty in getting at the question. I introduced also the bill from the same committee. Adjourned to twelve to-morrow.

9th. At the House, a great part of the day was consumed in electing, by nominal call, Joseph Follansbee as Door-keeper, John W. Hunter as Assistant Door-keeper. Both these were cases of re-election, and both were contested by seven rival candidates. At last, by unanimous consent, McCormick was re-appointed Postmaster to the House by resolution.

J. Sergeant then moved a resolution (after the election of the Rev. J. W. French, Episcopalian, as Chaplain) for the appointment of Printer to the House, to receive a compensation twenty per cent. less than the prices fixed by the joint resolution of 1819; but Fornance and C. J. Ingersoll insisted upon the consideration of their respective motions to reconsider first my amendment to Wise's resolution for the adoption of the rules, and secondly the resolution itself, adopting the rules with my amendment.

Everett opposed the consideration of Ingersoll's motion, as out of order—as it certainly was. But a slave-holding Speaker could not reject this new convert to the servile cause; and Wise, and Cost Johnson, and King, of Georgia, were all clamorous for hearing Ingersoll; and he proceeded in an elaborate speech on three points—the African slave-trade, the internal slave-trade and slavery, and the right of petition. He spoke nearly an hour on the first point—the African slave-trade—fre-

quently interrupted by Botts as out of order, but sustained by Wise, Johnson, and King, and feebly resisted by the Speaker, who always finished by letting him go on. He enlarged the range of debate by bringing in the African slave-trade; and I begged that he might be allowed to proceed in his own way, allowing others to reply. Between five and six a motion was made to adjourn, and carried by yeas and nays.

10th. It was half-past twelve before I reached the House. C. J. Ingersoll resumed, and in three hours concluded his speech, all *at* and against me. J. C. Clarke then moved the previous question. He yielded, however, to the earnest and importunate solicitation of Thomas F. Marshall, of Kentucky, upon his promise to renew it. Marshall then made a splendid two hours' speech at and against me, and closed by renewing the demand of the previous question.

A motion was made to lay the whole subject on the table. Lost, by yeas and nays. The previous question was then carried, by yeas and nays, and the question to reconsider the vote adopting my amendment to Wise's motion for adopting the old rules, except the twenty-first, was lost, by yeas and nays—one hundred and sixteen to one hundred and ten. A second deliverance as by fire.

Wise then called up Fornance's motion to reconsider the vote of the House adopting the old rules, with my amendment excluding the twenty-first, upon which, he said, he had *a word to say*. It was half-past five o'clock; he said he was ready to go on now, or to adjourn, as it should please the House. A motion was immediately made to adjourn, and carried, by yeas and nays.

11th. At the House, Hiram P. Hunt, a mellow Whig member from New York, who occupies the seat immediately before mine, gave notice of his intention to ask leave to bring in a bill to repeal the Act of 2d October, 1837, to postpone the fourth instalment of the deposit with the States. Hunt is a busybody Marplot in the morning, and always fuddled after dinner. The fourth instalment has been long since used up and wasted by the Van Buren Administration, and it is too late to call for it now. To raise money from the people by

taxation now, merely to deposit with the States, will not meet with much encouragement from Congress; but it will consume time. Sundry other members asked Wise to allow them a minute or two to offer resolutions, but he was biting his curb-bit, and rudely refused. After much solicitation, he permitted Botts to enquire of the Speaker whether a reconsideration of the vote adopting the rules would not annul all the proceedings of the House, under the rules. Without waiting for the Speaker's answer, Wise began in a tone which I saw would break him down—loud, vociferous, declamatory, furibund; he raved about the hell-hound of abolition, and at me, as the leader of the abolitionists throughout the Union, for a full hour—till his voice had broken into a childish treble two or three times.

Arnold, of Tennessee, came to my seat, and, with deep earnestness, entreated me not to reply to him; and I promised that I would not. Without abatement of his vehemence, Wise came to speak of the controversy between the States of Virginia and New York; and then his tone suddenly fell, he became bewildered in his argument, his voice failed him, he became ghastly pale, said he felt himself unwell, sank into his chair, and fainted. Several of his friends flew to his assistance, led him out of the hall, and took him to his lodgings. The House postponed the further consideration of the subject till to-morrow. Then, after a sufficient dose of Kinderhook chicanery, and an appeal by Atherton from a decision of the Speaker, confirmed by a vote of nearly two to one, Gales and Seaton were elected Printers to the House, by one hundred and thirty-four vivâ voce votes. Blair and Rives had seventy-five votes, and Peter Force, six. Sergeant then offered a resolution to restrict the action of the standing committees to the subjects mentioned in the President's message; which was debated till four o'clock, when the House adjourned.

12th. At the House, Mr. Wise was in his seat, but apparently very feeble, and his motion of reconsideration was again postponed till Monday. The real object of these postponements is to give time for the five members from Alabama to come in. Chapman came in two or three days since, without waiting for his credentials. Another came in this day. The Legislature

of that State, to secure a full Jacobin representation, changed their mode of election for members of the House, from the district to the general ticket system. They are all, of course, slave-dealers.

The States were now called for petitions, beginning with Maine, and were gone through. I presented none, abstaining purposely. But Mattocks, of Vermont, presented an abolition petition, which produced an immediate explosion. The motion to receive it was laid on the table.

The Committee on the Rules reported that during the present session it shall be understood that objection is made to the reception of all petitions, and the motion to receive shall be laid on the table. This report was not within the reference to the committee, and Wise and his gang resisted its adoption by the House. So did I—only, however, by voting against it. I cannot agree to the exclusion of all petitions, with partial and favorite exceptions, for a whole session. There were seven motions for adjournment taken by the yeas and nays, and rejected. The report of the committee was carried, and a motion to reconsider rejected. Evening with Cushing, at his lodgings, and all the Massachusetts delegation in the House, but Hastings and Parmenter.

14th. At the House, immediately after the reading of the journal, Mr. Wise resumed his speech in support of Fornance's motion to reconsider the vote adopting the old rules except the twenty-first, and spoke for upwards of six hours, a continual invective upon me. He was apparently recovered from his fainting-fit of last Friday, and he had sufficient self-control to avoid the bawling, brawling tone with which he then broke himself down; but, beginning every successive sentence with a loud and vehement clatter, he immediately bowed down over his desk till his head and chest became horizontal, his mouth pouring out all the time his words in a whisper. Abolition, abolition, abolition, was the unvarying cry; and he represented me as a fiend, the inspirer and leader of all abolition. He gave a history in his own way, full of misrepresentations, of all the gag motions, orders, and resolutions, down to the rule of 28th January, 1840, from Pinckney's gag in 1835. He finished about

half-past six—when half a dozen members started up, and Botts moved the previous question. Rayner, of North Carolina, entreated him to withdraw the motion, and promised that he would renew it; but Botts persisted. There was a call of the House, but only two hundred and ten members answered to their names. The previous question was then put, and carried, and then the reconsideration was carried by a vote of one hundred and six to one hundred and four, and the House was again left without rules.

Several motions were then made, with great confusion and disorder, till a motion was made to adjourn, and carried, by yeas and nays. I came home about eight o'clock, in great tribulation, and perplexed in the dilemma between firm perseverance, intemperate retaliation, and tame submission. What I most need, and fervently pray for, is control over my own temper.

15th. At the House, when the vote last evening of one hundred and six to one hundred and four reconsidered the adoption of the old rules except the twenty-first, Kenneth Rayner, of North Carolina, had offered an amendment to strike out the whole of the resolution after the word "resolved," and insert a resolution adopting the old rules till otherwise ordered by the House, and for appointing a committee of nine members to revise the rules, and confirming the choice of officers and appointment of committees hitherto made. This amendment was then objected to, as out of order, and the House adjourned.

This morning, after about an hour of wrangling upon points of order, and a refusal of a motion for the previous question, Rayner got the floor, and, in a splendid speech of three hours, rang over all the changes of invective upon me and of slave-breeding rhodomontade about abolition and the rights and institutions of the South; but, on closing his speech, he forgot to offer his amendment.

Morgan, of New York, started up, and, after disclaiming a declaration which he said I had made, moved the previous question. I called on him to specify the declaration. His answer showed me he did not understand what I had said. Rayner finally got his amendment before the House, which

was slashed up into fragments, and finally rejected; so was another amendment which he next proposed; and lastly the question was again taken upon the adoption of the old rules, with my amendment, except the twenty-first, and lost by a vote of one hundred and seven to one hundred and four, several of the members on both sides changing their votes to make up a majority. The House then, about eight P.M., adjourned.

16th. At the House, Stuart, of Virginia, offered a resolution of compromise to hang up all petitions for this session, and put off the debate on the rule to the winter session, and moved the previous question, which was at last carried—one hundred and thirteen to one hundred and one; and Stuart's motion was carried—one hundred and nineteen to one hundred and three. Stanly immediately moved, and carried, a vote against reconsideration, to prevent a motion for it from being made to-morrow, and the House adjourned about six o'clock.

17th. At the House, which I found in session, two resolutions were adopted—one, that after next Saturday the hour of meeting of the House shall be ten o'clock in the morning; and the other, that during the next week, and no longer, the Speaker shall adjourn the House at three P.M., to give the committees the afternoons to work. Then sundry retrenchment and reform resolutions were debated, and two of them were adopted. Watterson offered resolutions of call upon the President and heads of Departments for a list of removals, with the reasons for them. He had a long preamble of whereases, quoting from the stump-speeches of Webster, Clay, Bell, and Crittenden, last summer—declarations that no removals ought ever to be made without assignment of reasons for the removal. The Whigs were all in commotion at this movement. Watterson's motion to suspend the rules was rejected—fifty-seven to one hundred and thirty. Committee of the whole on the state of the Union, Taliaferro in the chair, on the bill for the relief of Mrs. Harrison. I made some remarks to explain the motives for the bill, and moved to fill the blank with twenty-five thousand dollars. A stormy debate arose, and continued till five o'clock, when the committee rose, without coming to any resolution, and the House adjourned.

18th. I called at the Treasury Department, but the Secretary, Ewing, was at the President's. I enquired of the Chief Clerk whether the late President Harrison had drawn upon the Treasury for any part of his salary, and was informed that he had not. I then called at the Department of State, and enquired of Mr. Webster whether the Census returns were or would be ready for communication to Congress during the present session. He said they were all ready, except from one district in Kentucky and one in Louisiana. I had half an hour's conversation with him upon the cases of N. P. Trist, of McLeod, and of the Amistad.

When Harrison came into office, he determined to remove Trist from the office of Consul at the Havanna. Trist took himself off to Charleston, South Carolina. Mr. Webster wrote him that he would be removed, but before receiving the letter he embarked, and returned to the Havanna. Mr. Tyler declined to remove him without a further investigation of the complaints against him; and the question is to be decided upon Cabinet consultation next week. Mr. Webster is yet in negotiation with Mr. Argaiz, the Spanish Minister, upon the Amistad case, and wishes to see my argument upon the trial before the Supreme Court.

At the House, I put the question to the Speaker whether the standing committees appointed under rules cancelled by the reconsideration of the resolution adopting them were still extant. I did not so consider them, or hold myself a member of any such committee. And, to test the sense of the House, I moved the usual order, that the standing committees of the House be now appointed. The Speaker said that the motion was not in order, as he considered the appointment of the standing committees already made in full force.

I then asked to be excused from serving as Chairman of the Committee on Indian Affairs, and was excused without opposition.

Calhoun, from the Rule Revising Committee, reported a very good rule, which, after some struggle, was adopted. Then, committee of the whole on the state of the Union, Taliaferro in the chair, on the bill for the relief of Mrs. Harrison, which,

after a ferocious debate of six hours, was reported to the House, with the blank filled with twenty-five thousand dollars, moved by me; then, after other obstructions, broken down by previous questions, and refusals to adjourn, was passed to be engrossed, and passed—one hundred and twenty-two to sixty-six.

19th. At the House, J. C. Clark moved a reconsideration of the vote yesterday, passing the bill for the relief of Mrs. Harrison—to prevent the motion for reconsideration coming from the opposition side, to make another debate. The reconsideration was rejected. Fornance made a speech upon a memorial for a protective tariff, but he was mistrusted, and his proposition was laid on the table. The States were called for petitions. Most of those presented were ruled out. I was arrested in the midst of the presentation of mine. Resolutions called. Mine, for the aggregate of Census returns, was adopted. Barnard parcelled out the President's message to the committee, leaving out the African slave-trade. I moved its reference to a select committee of nine members—too late. Barnard's project for a bank squeezed in. Adjourned at three P.M.

21st. The House met at ten o'clock. Pickens introduced David Levy as delegate from the Territory of Florida. Morgan objected to his being sworn, and presented papers contesting his election and denying that he is a citizen of the United States. The Speaker called for credential, and, upon inspection of it, swore him in. The papers presented by Morgan were referred to the Committee of Elections. Levy is said to be a Jew, and, what will be, if true, a far more formidable disqualification, that he has a dash of African blood in him, which, sub rosâ, is the case with more than one member of the House. Shields, and the man-mountain Dixon H. Lewis, were also sworn in as members from Alabama.

Fillmore moved the reference of the bill from the Senate to repeal the Sub-Treasury to the Committee of Ways and Means; Dawson, to the committee of the whole on the state of the Union; Mason, of Ohio, to the select Committee on the Currency; and Fessenden, of Maine, saw no reason for referring it to any committee. Debate. Referred finally to the Committee of Ways and Means, and to be printed.

Then came the call of the States for petitions, of which very few were presented, except by me. I presented a remainder of those which I have received at this session, and the whole budget of those which I was not allowed to present at the last session—which took me about an hour and a half. Very few were received; the rest were all ruled out.

Then followed resolutions—fractious debate about printing Barnard's plan for a bank—finally refused, by yeas and nays—seventy-four to ninety-eight; but the plan was referred to the select Committee on the Currency. R. D. Davis's resolution, calling on the President for information respecting the seizure of American vessels on the coast of Africa by British cruisers, being taken up, I moved and carried my amendment calling for the suppressed parts of N. P. Trist's dispatches, though not without very considerable opposition—among whom Horace Everett, though he finally withdrew his objection. Wood's call for correspondence relating to citizens of the United States transported to Van Diemen's Land by the British Canadian Government was adopted without opposition. Wise's call for the Fiscal Agent plan of the Secretary of the Treasury, modified at the motion of Samson Mason, was carried, after a "quantum sufficit" of chicanery debate. Fillmore moved to print ten thousand copies of the report of the Secretary of the Treasury on the finances; question not taken.

22d. The House met again at ten. The States were called for petitions; but not more than half a dozen were presented—two of which by me, accidentally omitted yesterday, and they cleared out my whole budget. The committees were successively called for reports, but none were made. Wise enquired when the Committee on the Rules would be ready to report. W. B. Calhoun answered, not for some time, and that they intended to propose an extensive alteration of the existing rules. Sundry resolutions followed. Yeas and nays upon printing ten thousand copies of the report of the Secretary of the Treasury on the finances—one hundred to seventy-nine. King, of Georgia, moved the publication of certain surveys of the coast of Georgia by Lieutenant Glynn, United States Navy. Rattling debate. Cushing falls foul of Hassler's

Coast Survey. Resolution referred to the Committee of Naval Affairs. W. Cost Johnson, from the Committee on the Public Lands, reported a bill to appropriate, for a limited time, the proceeds of the public lands, and for granting lands to certain States. Read twice, and referred to the committee of the whole on the state of the Union.

Campbell, of South Carolina, had yesterday offered a resolution instructing the Committee of Ways and Means to enquire into the expediency of amending the Sub-Treasury Act. After considerable debate, Campbell's motion was laid on the table, and Mr. Pope moved a reconsideration of yesterday's reference to the Committee of Ways and Means of the Senate's bill to repeal the Sub-Treasury. The reference was, after much debate, reconsidered, and the bill was referred to the select Committee on the Currency. The vote for reconsideration was one hundred and eighteen to ninety-nine. A message from the President was received with a correspondence concerning the removal of the remains of the late President Harrison to Cincinnati. Referred to the old committee of one member from each State. Adjourned at three P.M.

23d. At the House, George S. Houston appeared, and was sworn as a member from the State of Alabama. The States were called through for petitions, but only five were presented. I had none. The committee on the message received yesterday relating to the removal of the late President Harrison's remains is the same with the committee on the part of the House of the joint committee which reported the honorary resolutions, and the bill for the relief of Mrs. Harrison; but now the action of the House is to be separate, and the committee have the weighty addition of Dixon H. Lewis to represent the State of Alabama.

There were no reports from committees. Cushing moved a long resolution of enquiry relating to the Coast Survey, which lies over one day.

I offered a resolution to refer so much of the President's message as relates to the African slave-trade to the Committee of Naval Affairs, with instructions to report effective measures for its suppression. Wise is Chairman of that com-

mittee. I asked leave of the House also to offer my four resolutions on the investment of public funds in State stocks, which I had offered on the 30th of December last, but upon which the House then refused to act. Atherton objected. Triplett, of Kentucky, offered the resolutions for me. They were laid over, at the demand of Eastman, of New Hampshire, who said he intended to debate them.

Brown, of Tennessee, offered a resolution for an amendment to the Constitution, restricting to one term the service of a President of the United States, except when the office shall devolve upon him by the death, resignation, or disability of the President elected. Question of order was made, but the Speaker decided that it was in order. W. Cost Johnson moved the reference back to the Committee of the Public Lands, of the bill reported yesterday for distributing the proceeds of the public lands; and it was done. There was a caucus last night, and the bill is to be modified in its details.

Randolph, of New Jersey, had presented a memorial complaining of the unequal operation of the present tariff and praying for an increase of impost duties. He had moved that it should be printed, and had roused the anti-protective faction. Formal opposition to the printing was now made, and a warm debate ensued, in which I took part. Fillmore, Chairman of the Committee of Ways and Means, moved to adjourn, to give time to that committee to prepare business. The House at first refused, but was finally worried into an adjournment by one o'clock.

24th. At the House, Mr. Randolph's motion to print the tariff memorial presented by him, so much contested yesterday, was this morning adopted without a word of opposition. On the call for petitions, I presented five; about ten were presented by other members. Fillmore, Chairman of the Committee of Ways and Means, reported a bill to authorize a loan of twelve millions of dollars at five per cent. interest. Referred to the committee of the whole on the state of the Union, as was the Land bill reported back to the House by William Cost Johnson.

Resolutions then came up. Cushing's resolution of enquiry

concerning the Coast Survey was adopted, after a second dead-set speech made by him against Mr. Hassler, who was defended by Holmes, of South Carolina, and Horace Everett.

A petty resolution of enquiry, offered by Roosevelt, from the city of New York, started a bitter altercation between him and D. D. Barnard. A resolution offered by C. J. Floyd, of New York, opened for discussion the whole case of McLeod. Charles J. Ingersoll took the occasion for opening the whole battery of faction against the Secretary of State, Daniel Webster. He was answered by Alford, of Georgia, and by Cushing, who had not finished when the House adjourned, at three.

The committee of one member from each State on the message of the President relating to the removal of the remains of President Harrison met immediately after the adjournment, in the committee-room of the Committee of Post-Offices and Post-Roads, and agreed upon a resolution, which I was directed to report to the House to-morrow morning.

25th. At the House, immediately after the reading of the journal, I reported the resolutions proposed by the committee of one member from each State, to whom had yesterday been referred the message from the President relating to the removal of the remains of the late President Harrison, which were, that they should be removed from the Congressional burying-ground under the superintendence of a committee of both Houses of Congress, and accompanied by them and by the Ohio delegation to the line of the District, and that when the Houses should adjourn they would adjourn over to Monday. The resolutions were adopted without opposition, and sent to the Senate.

The States were called for petitions; only three were presented. I had none. No reports from committees. Floyd's resolution concerning the case of Alexander McLeod was then taken up, and Mr. Cushing finished his speech in defence of Mr. Webster's diplomatic paper. He was followed by Wise, in a short, moderate, sensible speech to the same purpose. Holmes, of South Carolina, did the same. Tillinghast made a ludicrous exhibition by undertaking to read a passage of Vattel in French.

W. Cost Johnson, at the expiration of the morning hour, moved to go into committee of the whole on the state of the Union; carried—Lawrence in the chair, and the Land bill taken up. Mr. Johnson made a speech of an hour and a half, to explain the purposes of the bill, and to answer anticipated objections. He had not concluded when the committee rose, and J. G. Floyd's resolution concerning McLeod was taken up again.

Meanwhile, I went into the Senate-chamber, where I found them taking the question upon the bill for the relief of Mrs. Harrison, which passed with an amendment; and immediately after, they concurred without opposition in the resolutions concerning the removal of the remains of the late President Harrison, which had been sent from the House.

Meeting of the joint committee, together with three members of the committee from Cincinnati. Sub-committee, Bayard, Chairman of the Senate's committee, with Miller and Sergeant, from the committee of the House, to make the arrangements for the procession to-morrow. Committees to meet at the Capitol to-morrow morning at nine.

26th. At nine this morning the committees of the Senate and House of Representatives, appointed to superintend the removal of the remains of the late President of the United States, William H. Harrison, met in the committee-room of the Committee of Post-Offices and Post-Roads, together with the committee from the inhabitants of Cincinnati, consisting of Jacob Burnet, John C. Wright, and sundry others, and all proceeded in hackney-coaches to the receiving-vault in the Congressional burying-ground, where the corpse had been deposited. I rode with Richard H. Bayard, Senator from Delaware, Chairman of the committee on the part of the Senate, Thomas Hart Benton, Senator from Missouri, and William S. Archer, Senator from Virginia. Colonel Henderson, Commander of the Marine Corps, attended with a detachment of eight athletic marines, who drew out from the vault the oaken chest in which the coffin was enclosed, and placed it upon the hearse, which was then followed in somewhat irregular procession to the railway depot at the foot of the Capitol Hill. There, the chest enclosing the

coffin was transferred from the hearse to one of the railway-cars, and precisely at noon they departed for Baltimore. President Tyler, accompanied by the heads of Departments, was present to witness the departure. There was a great concourse of people at the depot, but no disorder, and no manifestation of sensibility of any kind.

I remained until the cars were out of sight, and then went to the Capitol to attend a meeting of the select Committee on the Currency, summoned by their Chairman, John Sergeant, to the committee-room of the Committee of Commerce, at one o'clock. Present at the meeting, the Chairman, John Pope, James J. McKay, John M. Botts, Robert Barnwell Rhett, Richard W. Habersham, and myself; absent, William Cost Johnson and John McKeon. The bill from the Senate to repeal the Sub-Treasury was first considered. Desultory debate on the second section, declaring embezzlement of the public moneys felony, and upon the question whether the repeal of the Sub-Treasury, ipso facto, revives the Deposit Act of 1836. Much discussion, without coming to the point. Bank plans of the Secretary of the Treasury, of H. Clay, in the Senate, and of D. D. Barnard. Adjourned to Monday morning at nine o'clock. No approximation of opinions.

28th. At nine o'clock this morning the select Committee on the Currency met in the committee-room of the Committee of Commerce of the House. Present, the Chairman, John Sergeant, Adams, Pope, Botts, Habersham, McKay, and Rhett. Mr. Habersham proposed some slight amendments to the bill for repealing the Sub-Treasury law—which, after some modification, were adopted. The Chairman had proposed on Saturday an additional section to repeal one section of the Act of June, 1836, which it is understood will be revived by the repeal of the Sub-Treasury. Mr. Botts this morning moved an amendment to repeal the whole Act of 1836, except the thirteenth and fourteenth sections—which, after some discussion whether the committee could reconsider, was adopted, the amendment of Mr. Botts embracing that of Mr. Sergeant, and more. A vote was taken that the bill thus amended should be reported to the House; but a question arose, When?

The House met at ten. Immediately after the reading of the journal, W. C. Dawson, Chairman of the Committee on Military Affairs, announced the decease of Major-General Alexander Macomb, and offered three resolutions: 1, of regret for the event; 2, to attend the funeral; 3, to appoint a joint committee of arrangements. The Senate immediately concurred, and both Houses adjourned.

Henry Black had been sworn as a Representative from Pennsylvania in the place of Charles Ogle, deceased, and Linn, of New York, had moved a reconsideration of a vote on Friday, to continue through this week the meeting of the House at ten A.M. and the adjournment at three P.M.

Immediately after the adjournment the Committee on the Currency met again. Present, as before, with the addition of W. Cost Johnson. McKeon, the ninth member of the committee, is absent. There was further discussion—altogether desultory. Botts, Pope, and myself are against reporting the Repeal bill till at least the committee shall have considered of a substitute for the Sub-Treasury. Rhett and McKay are against reporting the Repeal bill at all. The committee agreed to meet again to-morrow, immediately after the adjournment of the House.

The suddenness of the notice of the funeral prevented the attendance of any of the members at the house of the deceased. As many hacks as could be found disengaged were provided by the committee of arrangements. I rode with Joshua Giddings, Seth M. Gates, and a friend of his from New York State, joining the procession as, after coming up the avenue, it circled round the Capitol Hill. The procession, civil and military, was large. The coffin was deposited in the vault whence that of President Harrison was on Saturday last removed. I returned to the Capitol, and thence, at four P.M., home.

29th. Mr. Matthew St. Clair Clarke, the Clerk of the House, had yesterday delivered to me two letters from Alexander Hamilton, of New York—one of them enclosing a thick manuscript draft of an Act to establish an exchequer of issues (alias a bank), to be the fiscal agent of the people of the United States, together with another manuscript, equally thick, of explanatory

remarks upon the subject. Mr. Hamilton had some months since written to me on the general subject of the currency and finances. He now requested me to present his project and remarks to the House, and move that they be printed; which I did this morning, immediately after the reading of the journal. The House received the manuscripts, and referred them to the Committee on the Currency, but laid on the table the motion to print.

The States were called for petitions, beginning with the Territory of Iowa, this being the last of the thirty days upon which the call for petitions is daily. I presented five, one of which and a part of another were received.

Mr. Wise came to my seat, and said he had received a letter from the State of Mississippi, from a person named Stanton, containing charges against Samuel J. Gholson, Judge of the District Court in Mississippi, and that Stanton stated he had addressed a similar communication to me; that he was delicately situated towards Gholson, having had a personal quarrel with him when he was a member of the House; and he thought, therefore, there would be more propriety in my presenting the charges than that he should present them.

I said I had received Mr. Stanton's letter and petition, and had abstained from presenting the charges for the same reason alleged by him. There had, indeed, been no personal quarrel between Gholson and me, but he and his colleague Claiborne had signed and published in the Globe a furious and most abusive attack upon me, in the shape of an address to their constituents. But another reason for postponing the presentation of the charges was that the State of Mississippi is not represented in the House, and, whether represented by Gholson's friends or adversaries, they should be here when charges are presented against him. Select Committee on the Currency. All present, except W. Cost Johnson. Desultory discussion. Adjourned to Friday morning at nine. Intelligencer office. Left with him A. Hamilton's manuscripts.

30th. Morning visit from John Ross, chief of the Cherokee Nation, with Vann and Benn, two others of the delegation. Ross had written to request an interview with me for them

on my appointment as Chairman of the Committee on Indian Affairs. I was excused from that service at my own request, from a full conviction that its only result would be to keep a perpetual harrow upon my feelings, with a total impotence to render any useful service. The policy, from Washington to myself, of all the Presidents of the United States had been justice and kindness to the Indian tribes—to civilize and preserve them. With the Creeks and Cherokees it had been eminently successful. Its success was their misfortune. The States within whose borders their settlements were took the alarm, broke down all the treaties which had pledged the faith of the nation. Georgia extended her jurisdiction over them, took possession of their lands, houses, cattle, furniture, negroes, and drove them out from their own dwellings. All the Southern States supported Georgia in this utter prostration of faith and justice; and Andrew Jackson, by the simultaneous operation of fraudulent treaties and brutal force, consummated the work. The Florida War is one of the fruits of this policy, the conduct of which exhibits one (un)interrupted scene of the most profligate corruption. All resistance against this abomination is vain. It is among the heinous sins of this nation, for which I believe God will one day bring them to judgment—but at His own time and by His own means. I turned my eyes away from this sickening mass of putrefaction, and asked to be excused from serving as Chairman of the committee. Ross and his colleagues are here, claiming indemnity for the household furniture, goods, and cattle stolen from their people when they were expelled from their dwellings, and a new treaty, to give them some shadow of security for the permanent possession of the lands to which they have been driven. They complain of delays and neglect by the new Secretary of War, Mr. Bell; and I promised to speak to him in their behalf; and I told them to call upon me freely, if upon any occasion I could be serviceable to them.

July 1st. At the House, a communication was received from the Secretary of State relating to the Census returns, but not the aggregate called for by my resolution. There was a message from the President, communicating a memorial signed by

three thousand persons at New York praying for a bankrupt law, and the message cautiously recommends it. This process of petitioning Congress through the President is a novelty.

Another message was also received, enclosing copies of the President's correspondence with Mrs. Harrison, in communicating to her the resolutions of Congress honorary to her late husband.

The McLeod resolution was again skipped over this morning, to go into committee of the whole on the state of the Union, Lawrence in the chair, on the Land bill. But the Democracy had now got wind of this Whig stratagem, and recalcitrated. Cave Johnson sputtered against being gagged, and called for the yeas and nays on the motion to go into committee of the whole; but it was carried—one hundred and six to sixty-nine. I voted with the minority, disgusted with this perpetual establishment of rules, perpetually to be suspended.

On the Land bill, Charles Brown, a Democrat of the first water, from Philadelphia, worried the Whigs with numerous charges of inconsistency, which they endeavored in vain to suppress by continual calls to order. He was followed by Governor Thomas W. Gilmer, of Virginia, an hermaphrodite Whig; and he by Benjamin A. Bidlack, a slippery Pennsylvanian Democrat; all against the bill. The floor was then taken by Francis W. Pickens, of South Carolina, the committee rose, and the House adjourned.

2d. At nine A.M. I attended a meeting of the select Committee on the Currency. Present, J. Sergeant, Chairman, Adams, Pope, Habersham, Botts, McKay, and Rhett. It was within a quarter of ten when the quorum was formed. We had still no distinct question before the committee. There are two projects for a national bank under consideration—a bill reported by the Secretary of the Treasury, and a bill reported by Henry Clay, Chairman of the Committee of the Senate, to that body, and now in debate before them. Both bills propose to locate the bank in the District of Columbia. Both bills propose the establishment of branches in the States —Ewing's bill with the assent, and Clay's without the assent, of the several States.

To bring the deliberations of our committee to a point, I moved to take up the bill now before the Senate, and to strike out from the first section the words "the District of Columbia," and insert "the city of New York." Sergeant observed that this would require a total change of the details of the bill; which I admitted, but said that the whole question of bank or no bank was embraced in this small amendment; details could easily be adjusted. There was no time to discuss the question, and the committee agreed to meet at five to-morrow afternoon; but I expect to carry this motion, for McKay and Rhett, who are against the bill in any shape, will vote for my amendment, and so, I think, will Pope and McKeon—perhaps Botts.

At the House, committee of the whole on the state of the Union, Lawrence in the chair, on the Land bill. Pickens, for nearly two hours, disgorged Calhoun crudities, with his usual bawling brawling pomposity, against the bill. Randolph, of New Jersey, Winthrop, and James Cooper followed, in support of the bill, and Dean, of Ohio, and then Habersham, of Georgia, against it. In the midst of his discourse three o'clock was approaching—the committee rose.

3d. I called this morning at the Department of State, and saw Mr. Webster. I enquired concerning the aggregate returns called for of the Census, by resolution of the House. Mr. William A. Weaver, the Superintendent in charge of this Bureau, stated that this document was not yet complete, and would not be for some time.

A general tabular aggregate has been returned in answer to a call from the Senate, in which one slave is returned in the State of Massachusetts. I enquired how that happened. Upon examination of the returns, it appeared to come from an Assistant Marshal in Nantucket, named Worth; and the slave is reported as forming one of sixteen persons in the family of Mrs. Lydia Barker.

Observing that this must be a mistake, I requested that a letter might be written to the Assistant Marshal, requiring an explanation of this point in his return; which Mr. Webster directed.

I enquired about the supplementary parts of N. P. Trist's correspondence, which have been all copied and are ready to be communicated. Derrick, the clerk, who I have no doubt garbled the document communicated on the 3d of March last, showed some repugnance to furnishing these supplements, which he said were personalities. Mr. Webster at first intimated a wish that I would look over the manuscripts to see if it would not be expedient to leave still some part of them out; but he finally concluded to send the whole.

I said to Mr. Webster that the establishment of a national bank was likely to fail. Upon which he said, with some heat, that he hoped, if Congress should sit till next August twelvemonths, they would not adjourn without establishing a national bank.

My detention at the Department belated me at the House, and they had been an hour and a half in session when I took my seat. Stanly did not make his motion to supersede the adjournment at three P.M. The House on meeting went immediately into committee of the whole on the Land bill. Habersham had finished his speech, and I found Parmenter prosing to the same tune. Richard D. Davis and John McKeon spouted liquid fire of Democracy against it for about two hours, and John P. Kennedy made a masterly speech of about half an hour in its favor. Underwood, of Kentucky, rambled about it, and about it, another half-hour, and just before three, Wise took the floor, and the committee rose.

5th. The celebration of the anniversary of Independence was more signalized on this day than it has been for several years, and in a manner hitherto unusual. First, by an assemblage of all the children of the Sunday-schools, who went in procession with their teachers, and with banners indicating to which church each of the companies belonged, to the enclosed square before the eastern front of the Capitol, where they sat down under the shade of trees in the northernmost alley of the close, where they were addressed by several gentlemen, and particularly by Mr. Samuel L. Southard, President pro tempore of the Senate. I had been invited by Mr. Stansbury to address them, and had declined. There was also a pro-

cession of the temperance societies, very numerous, but which I did not see.

I found Mr. Wise on his feet, bawling against the bill for distributing the proceeds of the sales of the public lands. He spoke little short of three hours and a quarter, and concluded with "going, going, gone." Half a dozen members were up for the floor, as he sat down. The Chairman gave it to Kenneth Rayner, of North Carolina, who moved the committee to rise. This was carried, by tellers, and the motion to adjourn, by yeas and nays—ninety to seventy-seven.

The Senate had adjourned over from Saturday till to-morrow. The weather was intensely warm, and the sky bright with a blazing sun. I came home, and at five o'clock went and dined with President Tyler, and a company chiefly of members of the House of Representatives. I note them, so far as my memory serves. William C. Rives, of Virginia, and Reuel Williams, of Maine, were the only members of the Senate present. Major-General Winfield Scott, with his Aide-de-Camp, Captain Robert Anderson. Scott has just received the appointment of Major-General in the place of the deceased General Macomb. The members of the House were George N. Briggs, Walter Coles, James Graham, Richard W. Habersham, William Cost Johnson, Thomas Butler King, Joseph Lawrence, John T. Mason, Eugenius A. Nisbet, John Pope, Cuthbert Powell, George H. Proffit, Joseph F. Randolph, Augustine H. Shepperd, Lewis Steenrod, Philip Triplett, Henry Van Rensselaer, and William H. Washington. Noland, the Commissioner of the Public Buildings, Lawrence, of the Treasury Department, commonly called Beau Lawrence, were there; a Mr. Chapin, and Mr. McCarty, and five or six other strangers, with the President, and his Private Secretary, John Tyler, Jr. There was turtle soup from a turtle weighing three hundred pounds, a present from Key West. The President drank wine with every person at table, in squads. He gave two toasts, and called on me for one. I gave, "The application to our political institutions of that principle of the law of nature, by which all nature's difference keeps all nature's peace."

After dinner I called to see Mr. Badger; but he was out on the square of the President's house, viewing the fireworks, as I did.

6th. I found the House in debate on a rule reported this morning by the Committee on the Rules—a new screw to take bills out of committee of the whole House at the pleasure of the majority. This rule, after a convulsive struggle of the opposition, was adopted, first with a limitation of six days, moved by Briggs, and then by reconsideration without limitation. It was immediately applied to the Land bill. A resolution was driven through by previous question, and yeas and nays, that at seven o'clock this evening the debate in committee of the whole should cease, and the question should be taken upon all the amendments proposed, and on the bill. The House then, between two and three, went into committee of the whole. Rayner made a speech of nearly three hours in favor of the bill; then Thomas F. Marshall, short of one hour—a burst of eloquence incomparable—for the bill; and R. B. Rhett was cut off in the midst of a nullification trumpeting, by the hour of seven. Then began for four hours a succession of trivial amendments, merely to waste time, not one of which succeeded, except a fourth section, moved by me, and carried. At length the bill was reported to the House; the amendments, including mine, adopted, passed to be engrossed, and passed. Motion to reconsider the vote on the bill moved and rejected. The vote on the passage of the bill was one hundred and sixteen to one hundred and eight. Adjourned at twenty minutes past eleven. I took Mr. Winthrop home to his lodgings. I reached home just before midnight.

7th. At the House, Pickens enquired when the Committee on the Currency would report on the Senate bill repealing the Sub-Treasury. Sergeant answered, when they should be ready.

Lott Warren obtained a suspension of the rules to take up a resolution, of which he had given notice yesterday, that no member should be allowed to speak more than one hour at a time. Warren called the previous question, and carried his resolution, by yeas and nays—one hundred and eleven to

seventy-five. I voted against the resolution, but hope it will effect much good.

Committee of the whole on the state of the Union, Briggs in the chair. A bill making provision for the maintenance of lunatics in the District of Columbia was taken up, and discussed about two hours; then the bill from the Committee of Ways and Means, authorizing a loan of twelve millions of dollars at five per cent. interest. Mr. Fillmore, Chairman of the committee, presented, in the compass of the hour, an exposition of the expediency of the bill and the purposes of its several provisions. He was followed by Samuel Gordon, a New York Democrat, of vinegar aspect, who railed his hour out against the Loan, and the Bank bills, and the Land bills, and the tariff, and the permanent debt, and the State debts, and the Hamiltonian funding system, and all the rigmarole of mock Democracy. He was called to order a dozen times, and finally choked off by the expiration of the hour. At three, the committee rose, and the House adjourned.

I went into the Senate-chamber, and spoke to Mr. H. Clay in behalf of my fourth section of the Land bill. He thinks the passage of the Bank bill in the Senate doubtful.

8th. I found the House in session, passing a bill to extend the limits of the port of New Orleans. Fillmore moved to go into committee of the whole on the state of the Union, to take up the Loan bill. John C. Clark wanted to offer a resolution that the House should take a daily recess from two to four o'clock; and Hiram P. Hunt wanted to make his speech upon the McLeod resolution. Both of them entreated Fillmore to allow the morning hour for resolutions before he insisted upon going into committee of the whole; but he was inexorable. So the question was taken, by yeas and nays, and the House refused to go into committee—seventy-six to eighty-nine.

Clark offered his resolution for a daily recess, but Cave Johnson objected, and Clark did not venture to move a suspension of the rules. The Speaker called over the committees for reports, but none were made. Proffit offered a resolution requiring forthwith a report from the Committee on the Currency upon the Senate bill to repeal the Sub-Treasury, without

waiting to couple it with any banking project. Proffit complained that there was not a single Northwestern man on the Committee upon the Currency. But his resolution was not received.

Hunt then spoke till the expiration of the morning hour against Floyd's McLeod resolution. Then the House went into committee of the whole on the state of the Union, Briggs in the chair, upon the Loan bill. Pickens poured out, with more than usual volubility, a flood of Calhounisms against the bill, till the Chairman, to his utter amazement, told him his hour was out. "Bless my soul!" said he, turning to look at the clock; "I have but just begun." He was in great indignation, and wanted an allowance for interruptions. But Briggs was inflexible, and he was compelled to sit down, with an imprecation upon the "infamous rule."

He was answered by John Sergeant, who shivered his speech to atoms, but was in like manner arrested by the expiration of his hour. Robert Barnwell Rhett replied to Sergeant, in a tone much subdued from that of his usual swaggering.

Fessenden, of Maine, followed him in a speech of half an hour. He is a fluent but not an impressive speaker. Saltonstall then took the floor; but it was three o'clock: the committee rose, and the House adjourned.

9th. I had received last evening a note from Mr. Fletcher Webster, Chief Clerk in the Department of State, with the copies of the parts of N. P. Trist's dispatches not communicated with the President's message of the 3d of March last, and now prepared to be reported, in answer to the call from the House of the present session. I read them through last evening and this morning, and took them back to the Department. Two or three of the first letters are altogether immaterial, but all the rest are important—especially the omissions from the letter of 22d May, 1838, and the explicit and unqualified averment of the head-money received by the Captain-General of the island of Cuba for every negro imported illegally from Africa. I desired that the whole of the manuscripts should be communicated to the House, in answer to the call.

A young man named Ringgold, one of the clerks who made

the copies, seemed shocked at the idea that the direct charge that the Governor receives hush-money for so gross a violation of the law, should be communicated to Congress.

I said it was the paper precisely of all others the most wanted.

At the House, I found Aaron V. Brown, of Tennessee, sweating and railing at the Secretary of State, Webster, in discussion upon John G. Floyd's resolution concerning the McLeod case. Hunt had occupied the first ten minutes in concluding his speech on the other side, and Brown was cut off by the expiration of the morning hour, with a remnant of fifteen minutes for him to-morrow.

Fillmore then offered a resolution to take the Loan bill out of committee of the whole to-morrow; which he afterwards modified to Monday at two o'clock; which was carried, by yeas and nays—ninety-seven to seventy-nine.

Committee of the whole on the state of the Union, Briggs in the chair, on the Land bill. Saltonstall, one hour in support of the bill. Wise, a flash in the pan against it. Watterson, half an hour, to prove that the Whigs contracted the debt. Cushing replied to Watterson, and was followed by Eastman, of Maine, and McKeon, of New York, against the bill. The debate was closed for the day by D. D. Barnard, who consumed his hour in support of the bill. McKay, of North Carolina, took the floor against it; but it was four o'clock: the committee rose, the House adjourned, and I walked home.

10th. I rode to the Capitol. Aaron V. Brown was closing his flabby philippic against the Secretary of State, upon the McLeod resolution. He was followed by Archibald L. Linn, of New York, on the other side, till the expiration of the morning hour. Then came the committee of the whole on the State of the Union, Briggs in the chair. Mc Kay fretted his hour against the Loan bill; and as McLeod's case is the catapult against the Secretary of State, so the Loan bill is the forty-two pounder against the Secretary of the Treasury, Ewing. McKay fancies himself a great financier, affects great moderation, and covers an insidious and invidious spirit under a mask of candor. His constituents cling to him. This is

his sixth Congress. He is a plain, mean-looking man, with a blacksmith air, and as careless of dress as myself; mild, gentle, wary in discourse and conduct, and priding himself upon occasionally voting against his party. His chief battery against Ewing to-day was an error in a document reported by him recently to the Senate, by the omission of an item of expenditure amounting to more than half a million. The error was detected in the Senate by the late Secretary Woodbury, and admitted in a subsequent report from Mr. Ewing to the Senate. One acknowledged error furnishes hostile argument with inference of other errors, indefinite in magnitude and number. McKay was followed by Thomas W. Gilmer, late Governor of Virginia, a political whiffler, half Whig, half nullifier.

11th. My birthday happens this day upon the Sabbath. Every return of the day comes with a weight of solemnity more and more awful. How peculiarly impressive ought it then to be when the annual warning of the shortening thread sounds in tones deepened by the church-bells of the Lord's day! The question comes with yearly aggravation upon my conscience, What have I done with the seventy-four years that I have been indulged with the blessing of life? And, following close upon it, another: What can I do, what shall I do, with the scanty and perilous remnant of life before me? The decay of body and mind is gradually, but with quickening pace, gaining upon me. The time has come when I cannot with rational probability flatter myself even with one other return of the day. May I supplicate the Father of spirits for the will and power to improve my last days in conformity to His will, for the good of my own family and the family of man, and in preparing to appear before His presence to plead for mercy; and for His protecting arm to shield and sustain the helpless whom I leave behind!

12th. I offered a resolution requiring of the Secretary of the Treasury a report at the commencement of the next session; which was received, but Cave Johnson objected to its immediate passage, and it lay over for the day. The House then went immediately into committee of the whole on the state of the Union, upon the Loan bill, Briggs in the chair. John W.

Jones occupied his hour against the bill. Garret Davis followed, and, while he was speaking, I went into the Senate-chamber with Mr. Howe, and found them in hot debate upon the Bank bill. I introduced Mr. Howe to Mr. Clay, of Kentucky, who was, however, in conflict of eloquence with Mr. Buchanan. I left Mr. Howe and returned to the House, where Charles G. Atherton, a cross-grained numskull from New Hampshire, was snarling against the Loan bill. When he closed, there was little more than half an hour left till two, when the questions were to be taken. Fillmore had this time, by the consent of Proffit, who had obtained the floor, but yielded it. Fillmore's reply was chiefly to John W. Jones. At two the debate ceased. Fillmore moved to strike out the first section and insert a substitute. Gilmer moved an amendment for a new issue of Treasury notes instead of a loan; lost —eighty-two to one hundred and nineteen. McKay moved an amendment to strike out part of Fillmore's new section and insert other matter. Chairman decided that this was not in order, the rule of the House (being) that a motion to strike out and insert is not divisible. But the committee reversed Briggs's decision, and then rejected McKay's amendment—ninety-one to one hundred and eight. Sundry other captious amendments were moved and rejected, but Fillmore's substitute for the first section was adopted. The bill was then reported. Morgan immediately moved the previous question; which was carried. Clifford called the yeas and nays on the main question—one hundred and twenty-six to eighty-eight; amendments adopted. Yeas and nays on the engrossment—one hundred and twenty-seven to ninety-one. Yeas and nays on the third reading—one hundred and twenty-four to ninety-three.

Wise then moved to go into committee of the whole on two bills reported by the Committee on Naval Affairs; but it was past three o'clock, and the House adjourned.

I called at Gadsby's Hotel, and left a card for Chief-Justice Shaw, who was gone to Mount Vernon. He returned my visit this evening, with Mr. T. W. Ward and Captain Percival. Before them, I had also an evening visit from Mr. Charles J.

Ingersoll, who came to spy out the nakedness of the land, and who told me that Commodore Stewart's nomination as a candidate for the Presidency was a movement against Buchanan.

13th. I found the House in session. Wise had enquired whether the resolution offered by me yesterday, of enquiry respecting the State debts, had been received. The Speaker had answered him that it was. When I came in, I asked the consent of the House to take it up, but Cave Johnson insisted that he had a resolution of prior date, of the precedence of which before mine he would not relinquish the claim. So the McLeod resolution was taken up, and the morning hour was wasted by Samuel S. Bowne, of Otsego, New York, a Bombastes Furioso, all froth and venom against the Secretary of State. He said he was of a Quaker family, but full of fight, and was for taking John Bull by the horns at once. When he closed, John Young, of Genesee, took the floor; but the hour was out.

Wise moved to go into committee of the whole on the state of the Union upon two of the three bills reported from the Committee of Naval Affairs. But he yielded to Underwood to take up the bill making further provision for pauper lunatics in the District of Columbia, which, with a little grumbling opposition, and by the previous-question screws, was passed for engrossment, and passed.

The House then went into committee of the whole on the state of the Union, and the Speaker called me to the chair. The first bill was a mere appropriation of one hundred and thirty-nine thousand six hundred and sixty-six dollars and six cents to pay the navy pensions on the 1st of this month and the 1st of next January. I had prepared and intended to move a second section, restoring the fund of more than eleven hundred thousand dollars, which it owned on the 3d of March, 1837. But Wise came to my seat and urged me to forbear encumbering the bill, saying that the committee were all for restoring the fund, but intended to revise the whole system at the winter session.

I accordingly suppressed my second section; but McKay and Cave Johnson started a debate of nearly four hours upon

motions to amend, all having in view to repeal the Act of 3d March, 1837; and they carried their point in committee of the whole. The second bill contained an appropriation of six hundred thousand dollars for the purchase of ordnance and making experiments in gunnery. McKay cavilled at this too, and moved to reduce the appropriation to three hundred thousand dollars, but failed. One bill was reported with two amendments, the other without amendment. I opposed the amendments in the House, and one of them failed. The bill then passed for engrossment, and passed. The House adjourned about four.

14th. At the House, several petitions and memorials were received before I reached the hall. Floyd's McLeod resolution was then taken up. John Young, of Genesee, a Whig member from New York, made a speech of a short hour, rather inflammatory, censuring both the late and the present Administration for not obtaining satisfaction from Great Britain for the burning of the steamboat Caroline. The view that he took of the case was altogether one-sided, as between the United States and Great Britain. He spoke with some fluency, and with appearance of candor, but carefully avoiding all the weak points of our cause in that controversy. The decision of the Supreme Court of the State of New York, refusing to discharge McLeod upon habeas corpus, and remanding him to Niagara County for trial, was this day received. When Young closed, Morgan took the floor, but, as a few minutes only of the morning hour remained, the subject was laid over, and Fillmore reported a bill in relation to duties and drawbacks; twice read, and referred to the committee of the whole on the state of the Union. Pickens immediately claimed of Fillmore exemption from all the rules restrictive of debate—which, of course, Fillmore could not grant.

Wise called up the Navy Ordnance bill, and moved the previous question upon it. Snyders, of Pennsylvania, asked for the yeas and nays upon its passage, and it passed.

Committee of the whole on the state of the Union, Gilmer in the chair, on the Home Squadron bill. Wise opened the case, but T. B. King, who reported the bill, was not ready, and,

at his instance, the committee rose, Wise stubbornly struggling against it.

The Fortification bill was taken up, and raised a debate of three hours, first upon a complaint of Clifford's, that nothing was proposed for Maine; then upon a contingent appropriation for the "Pea-Patch," the title to which an individual has recovered at law against the United States. This item of appropriation was struck out. Clifford moved an amendment of six thousand dollars for forts in Maine, and, after some discussion, the committee rose, and the House adjourned.

15th. At the House, Morgan, of Cayuga, New York, had the floor on Floyd's McLeod resolution, but Fillmore, Chairman of the Committee of the Ways and Means, asked him to give way to go into committee of the whole on the state of the Union, to take up the Fortification bill. Morgan readily consented; but Cave Johnson, now the nuisance of the House, made a fruitless struggle for the morning hour, and complained piteously of the gag upon the minority. He was not heeded, and deserved not to be. I do not approve, and have voted against, the restrictions upon the freedom of debate; but when a tyrannical majority fall into a minority they cannot choose but to abuse the privilege of which they have deprived others.

The House went into committee of the whole, Robert C. Winthrop in the chair, as he had been yesterday, and took up the Fortification bill. An appropriation was again moved for the Pea-Patch, and the debate became desultory. The absurdity of appropriating money to be wasted on a spot where, by verdict of a jury and judicial sentence, the public has no title, and where the owner claims a most extortionate price for a worthless mud-bank, forms no sufficient obstacle to this motion, and half the day was consumed in discussing it. When that was past, Underwood, of Kentucky, started an enquiry why so much money should be appropriated for repairs upon Fort Warren and Fort Independence, in Boston harbor. He ransacked all the fortification bills from 1836 down to the present time, to prove that the appropriation now proposed could not be necessary. He said the same remarks would apply to all the others, but he named those of which he complained only

in Boston harbor. Parmenter and Saltonstall answered him, and Horace Everett took the floor. But it was three o'clock; the committee rose, and the House adjourned.

16th. At the House, the morning hour was consumed in debating a foolish set of retrenchment resolutions, offered by Garret Davis, with an amendment, offered by Cave Johnson, and an amendment to the amendment, offered by Botts. Stanly moved to lay the whole subject on the table; but that was rejected, by yeas and nays—sixty-five to one hundred and fourteen. When the question upon the resolution was put, I asked that it might be read, as I was not in my seat when it was offered. Turney, of Tennessee, objected to its being read. The Speaker decided that I had a right to call for the reading. Turney appealed from his decision, and the House confirmed it, almost without a dissenting voice. Turney pretended that the reading of some paper recently called for by him had been refused.

McKay demanded a division of Botts's amendment. The first part was adopted, with only four opposing votes, and the other part was rejected—thirty-four to one hundred and forty-five. Cave Johnson's amendment and Garret Davis's resolution were adopted—one hundred and twenty-eight to seventy-one—all to no earthly purpose. Proffit enquired what had become of the bill for repealing the Sub-Treasury; but his enquiry was not heeded.

Committee of the whole on the state of the Union on the Fortification bill, Winthrop in the chair. Cushing, Clifford, Rhett, and Pickens had an altercation of an hour and a half upon Pickens's incendiary report of last February, which brought in the question about the trial of McLeod. The debate on the fortifications became desultory. Wise attacked it without mercy, and moved a call upon the Secretary of War for information, with the evident purpose to be refused. At my urgent entreaty, the House adopted it; but Proffit moved, and carried, a resolution to take the bill out of committee to-morrow at two o'clock. It was past four when the House adjourned.

17th. At the meeting of the Currency Committee last even-

ing, all the members, except Mr. R. B. Rhett, were present, but two of them were engaged for parties, and no sooner was the quorum formed than there was a motion to adjourn. This was not immediately carried; but the sitting was not of more than one hour, and half that was absorbed in discussion when and how we should meet in future. We took up the bill now pending in the Senate, and which has there been laid upon the table from inability to carry it through. Our Chairman read six sections of it, and sundry amendments were proposed, discussed, and adopted. Before seven o'clock we adjourned to nine this morning. I was there to the minute. I found Sergeant there, but it was more than half-past nine before a quorum was formed, and then we had to settle when we should meet again—at five this afternoon, or at nine Monday morning. At last, Sergeant proposed to ask leave of the House, after this day, to sit during the sitting of the House; and this was carried, against the remonstrances of Mr. Rhett and of me.

In the House, Arnold, of Tennessee, moved a reconsideration of the resolution adopted yesterday, to take the Fortification bill out of committee of the whole this day at two o'clock. Arnold gave as his reason that he had last evening had an interview with a person of the first distinction in this Government, and had ascertained that all the great measures of relief to the people, for which this special session was called, will fail —all founder in the gulf of Virginia abstractions. He dilated upon this oracular giving out, under great apparent excitement and alarm. The instant he finished, John T. Mason, of Maryland, offered a joint resolution to adjourn the two Houses next Thursday, the 22d instant. The gloating joy and sardonic grin of the opposition gang was sickening. Mason's resolution was not in order, nor received, but the vote to take the bill out of committee at two o'clock this day was reconsidered, by yeas and nays.

The committees were called for reports. Leave was given to the Committee on the Currency to sit during the sitting of the House. An answer was received from the Secretary of War to the call moved yesterday by Wise. Committee of the whole on the state of the Union, Winthrop in the chair.

Fortification bill. Underwood twattled his hour out against the appropriations—all the time declaring that he should vote for the bill. Cushing answered him. Steenrod bombasted in your Herkles vein an hour, and appealed to the President as a Virginian. Botts offered a resolution to take the bill out of committee next Tuesday at two; carried. Adjourned at half-past three.

19th. I attended the Committee on the Currency precisely at nine this morning. Sergeant, the Chairman, and McKay were there. About half-past nine a quorum was formed, and Habersham renewed a motion which had been rejected on Saturday, to suspend the discussion on the Bank bill, and take up, to report to the House, the bill from the Senate to repeal the Sub-Treasury. Chairman pronounced this motion not in order. Then McKay moved a reconsideration of the Saturday's vote. Chairman said the House had decided last session that committees could not reconsider, and he must so decide, though against his own opinion. McKay appeals; tie vote—four and four. McKeon absent. Still Habersham renews his motion. Chairman decides it not in order. Appeal, and tie vote again.

Thus passed the time till ten, when the House met. Turney made a thrust at the Speaker, by moving an amendment of the journal of last Friday, in stating the Speaker's decision, confirmed by the House, of my right to call for the reading of a resolution upon which I was required to vote when Turney had objected to the reading. The entry upon the journal was that the Speaker had referred the question to the House. Turney insisted that he had not. After some altercation, Botts moved to lay Turney's motion to amend the journal on the table. I obtained leave to explain, and took the whole blame of the difficulty upon myself for not having been in my seat when the resolution was first offered, and therefore obliged to ask that it might be read when called to vote upon it. Botts's motion to lay Turney's motion to amend the journal on the table was then carried, by yeas and nays—one hundred to eighty.

It was petition day, and I moved and urged that the States should be called for petitions; but Cave Johnson moved to go

into committee of the whole on the state of the Union, to take up the Fortification bill. Carried by one hundred and twenty votes. No petitions. Winthrop took the chair, and McKay commenced a speech against the Fortification bill.

The other members of the Currency Committee returned to the room of the Committee of Commerce, and debated the details of the Bank bill till half-past three, and adjourned till ten to-morrow morning. When McKay finished his speech in the House, he joined the committee. For a few minutes all the members were present, and then it was settled to report the section authorizing the establishment of branches without the assent of the States. Botts offered a compromise amendment, scouted by Rhett, and not received. Several members were coming and going all the time. Numerous amendments, great and small, were moved. Some carried; others failed. Pope and Habersham are Waverleys—no bottom. Rhett, McKay, and McKeon are eels—hold them by the tail if you can. Cost Johnson—never sure of his attendance.

20th. There were two messages received yesterday by the House from the President, and presented by the Speaker this morning: one recommending a revival of the supplementary Neutrality Act of March, 1838, which expired in March, 1840; and the other in answer to a call for correspondence relating to American citizens banished from Canada and prisoners in Van Diemen's Land—of whom, it seems, there are none.

The House went into committee of the whole on the state of the Union, Winthrop in the chair, on the Fortification bill. Isaac D. Jones, of Maryland, took the floor, and the Committee on the Currency met in the room of the Committee of Commerce. All the members of the committee were there part of the time; but W. Cost Johnson took no part in the discussion, voted occasionally, and finally went away before the final questions were taken, leaving with me a request from two ladies, Miss Ellen Bruce and Miss Sally Bruce, for my autograph.

At twelve, the time for taking the Fortification bill out of the committee, we returned to the House. Wise had moved to strike out the first section of the bill; which was rejected. In the House, Toland obtained an appropriation contingent for

the Pea-Patch of fifty thousand dollars, from Whig sympathy. Five or six of the Kentucky members, disgusted and alarmed at the late demonstrations of the Tyler party against Clay, finally voted against this bill, after repeated motions to postpone it for a fortnight and to lay it on the table. It was at last passed by yeas and nays—one hundred and forty-eight to sixty-six—a majority of which no one had a conception, Wise having opposed it tooth and nail from its first introduction. Wise gave notice that he should to-morrow call up the Navy Ordnance bill, and the House adjourned soon after two.

The Currency Committee returned to their room, resumed the Bank bill, went through with it, making sundry amendments as they proceeded, agreed to report it and the Senate's bill to repeal the Sub-Treasury to-morrow morning, and adjourned without day. Botts had offered what he thought a compromise section about the establishment of branches with the assent of the States; but it was refused vivâ voce.

21st. I find it scarcely possible to reach the Capitol before the meeting of the House. This morning I found them in debate upon a resolution reported by R. C. Winthrop from the Committee of Commerce, for the appointment of a committee of nine members to sit during the recess of Congress and collect information concerning duties on imposts and drawbacks, to be reported preparatory to the revision of the tariff; and it had roused all the black bile of the South, and all the stupidity of the North, against protection. Wise and Pickens mounted their nullification and State-rights coursers, spurred their sides, and darted off. They debated it through the morning hour—when Wise moved to go into committee of the whole on the Union. But he allowed Underwood, Chairman of the Committee on the District, to report a bill for rechartering the District banks; J. Sergeant to report, from the Committee on the Currency, the Fiscal Bank bill, and the bill from the Senate to repeal the Sub-Treasury, with amendments—read twice, referred to the committee of the whole on the state of the Union, and ordered to be printed; and D. D. Barnard, Chairman of the Judiciary Committee, reported a bill to establish a bankrupt law; which was also twice read, and referred. He reported

also, by direction of the committee, a resolution that it is inexpedient that Congress should act upon a bankrupt law at their present session; but he said that was not his opinion, but the reverse. He thought Congress might discuss and adopt a bankrupt law at the present session. A motion was made to lay the resolution on the table, and carried, by yeas and nays—one hundred and eighteen to eighty-one.

Wise then moved to go again into committee of the whole on the state of the Union; which was done—T. W. Gilmer, late Governor of Virginia, in the chair. The Home Squadron bill was taken up—a mere appropriation of more than seven hundred thousand dollars to maintain and man and victual a home squadron of two frigates, four smaller sailing-vessels, and two steamers. Wise moved an amendment that the Secretary of the Navy might, in case of need, substitute other vessels instead of the steamers; but I remonstrated earnestly against it, and, after some verbiage, Wise withdrew his amendment. There were half a dozen venomous party speeches made by the New York mobocracy to apologize for voting for the bill; which was reported to the House without amendment, passed to the third reading, and passed, by yeas and nays—one hundred and eighty-four to eight. The House adjourned at two.

I went into the Senate-chamber, and found them debating on amendments proposed to the Bank bill. After these, H. Clay moved that the bill should be reported with the amendments, and printed.

22d. At the House, R. C. Winthrop's resolution from the Committee of Commerce for the appointment of a tariff committee to sit during the recess, was debated nearly the whole day—first during the morning hour, when Governor Gilmer made a speech for and against it, signifying nothing. He was followed by Charles Brown, an eternal bawler of nothings. The hour expired. Fillmore, pro formâ, moved to go into committee of the whole on the state of the Union, to take up the Revenue bill, but said there was a document from the Treasury Department, not yet printed, which would be necessary in the consideration of the bill. So Winthrop's resolution was

resumed. W. Cost Johnson made a very short and not very efficient speech in its favor. Wise sprang upon it with the fury of an encaged tiger, consuming his hour in a bitter and malignant attack upon Eugenius A. Nisbet, of Georgia, a very handsome speaker and intelligent man, but mild, gentle, inoffensive, and no duellist. Wise fears that the whole Georgia delegation will flinch upon the tariff subject, and he selected this man, whom he knew he could bully and browbeat with impunity, to whip them all in. At the moment when Wise's hour was out, Nisbet sprang up, and said so; but Cushing at the same time addressed the Speaker, and got the floor. Nisbet asked him to yield it, and many voices urged him to yield it. But Cushing was not to be diverted from hearing himself, and he controverted some of the weak points of Wise's argument, while the House was all on tip-toe for Nisbet's counter-personalities.

When Cushing finished, Nisbet replied to Wise with some show of spirit, and saying some severe things, but evidently cowed and overawed by the domineering and insulting tone and manner of Wise, who rejoined with tenfold bitterness and malice. Nisbet surrejoined, almost supplicating forgiveness. Wise completely carried his point of breaking down Nisbet; and we shall see its effect on the whole Georgia delegation. This foray lasted till half-past two o'clock, and immediately after it closed the House adjourned.

23d. A feeble effort was made by Fillmore, in the House, to go into committee of the whole on the state of the Union upon the bill relating to impost duties and drawbacks. But his document tables were not yet ready, and the House refused to go into committee. So the day was consumed upon Winthrop's resolution reported from the Committee of Commerce. Rhett ranted out his hour against the resolution, and against all revenue by impost duties. King, of Georgia, made a half-way speech, and John P. Kennedy, of Baltimore, a spirited and ingenious speech, upon the tariff topic. There was a call of the House, to which one hundred and seventy-nine first answered, and, on the call of the absentees, two hundred and two; proceedings were then superseded, and there were sixteen Whigs

absent, and six Democrats. King moved the previous question. Meriwether, of Georgia, moved to lay the resolution on the table; lost, by yeas and nays—eighty-eight to one hundred and thirteen. There was a second to the previous question; but on the vote, Shall the main question be now put? the yeas and nays were one hundred and one to one hundred; and this was only because four Whigs who had voted against it changed their votes. The resolution passed, by one hundred and six to one hundred and four; and John McKeon, of New York, immediately moved a reconsideration, upon which he hoisted an anti-tariff hour speech. Mr. Pickens moved to adjourn over to Monday next, but, upon a call for the yeas and nays, withdrew the motion; adjourned a quarter-past three.

24th. Edward Southwick, the man who visited me yesterday, told me that he was a native of Massachusetts, but now resided in the western part of New York; that he was an abolitionist, and was now going South to discuss the matter with them there. He asked me what I thought of it. I said the best thing he could do was to turn round and go home. He asked if I thought there would be danger of harm to him. I said the least he could expect to get was a ducking. He said the late Governor of North Carolina had written to him that there was not the slightest danger for him in that State. I said North Carolina was not so fanatical as some other Southern States; but he had better not trust himself even there; I would advise him, too, to be very cautious in his conversation here, and to go home as soon as possible.

This morning I called on the Postmaster-General, concerning certain post-offices and mail-routes. A Mr. Jones called me out from my seat yesterday to complain of the discontinuance of a daily mail from Boston to Randolph, Stoughton, and Bridgewater, and the substitution of a mail three times a week. He wanted me to sign a remonstrance against it; but I preferred speaking to the Postmaster-General. He did not appear to be fully acquainted with the reasons for the change, but directed an examination, and will restore the daily mail if he can.

I found the House taking the yeas and nays upon the motion

to reconsider Winthrop's resolution. It was reconsidered, and laid on the table. Committee of the whole on the state of the Union, Cushing in the chair, on the Revenue bill. Fillmore, Chairman of the Committee of Ways and Means, made his hour's exposition of the necessity for the bill. Sundry amendments were offered. The committee rose, and the House adjourned at one o'clock.

26th. I found the House in committee of the whole on the state of the Union, Cushing in the chair, upon the bill relating to duties and drawbacks. Lawrence, of Pennsylvania, had moved to strike out tea and coffee from the articles to be burdened with a duty of twenty per cent. ad valorem, and was supporting his amendment with a speech of not much power. Atherton then moved to strike out the enacting clause of the bill, and distilled off an hour of wormwood and vinegar upon the bill and upon the Administration. Campbell, of South Carolina, followed, and offered an amendment to the bill, which was to repeal the specie-paying sections of the Sub-Treasury. Halsted, of New Jersey, answered. Atherton, and Ward, of New York, replied to Halsted. Ward gave a totally perverted and deceptive history of the Compromise Act of 1833; and that roused me. I rose to speak for five or ten minutes, and at the expiration of the hour was arrested by Holmes, of South Carolina, starting up and claiming the floor. Many of the members called upon me to go on; but I declined, and took my seat. It was close upon three o'clock. The committee rose, and the House adjourned.

27th. I found the House in session, and in some confusion, without a quorum, and under conflicting motions to take up different subjects for consideration. Weller, of Ohio, moved to adjourn, and the yeas and nays were called. I voted no; and Weller withdrew his motion. At last, the motion to go into committee of the whole on the state of the Union prevailed, by yeas and nays—eighty-four to eighty-one. Cushing took the chair, and Holmes, of Charleston, South Carolina, railed out his hour of bitter invective upon me. He was galled to the vitals by my exposure yesterday of South Carolina nullification, and the true history of nullification. Sergeant

followed, taking up and enlarging upon my yesterday's argument in his own way, taking care to give offence nowhere. Then came Gilmer, of Virginia, with what was called his valedictory to the Whig party. He did not know what the Whig party was, and complained of being proscribed himself, and of the President's being proscribed, by the Whigs. Mr. Linn, of New York, made a short, cool, sensible speech in favor of the bill; and Underwood, of Kentucky, opened his system for a retaliatory tariff, to retaliate upon all the world the high duties levied upon all the world upon tobacco. Triplett said a few words. James Irvin, of Pennsylvania, took the floor, and the committee rose. Kennedy gave notice of an amendment which he should offer as a substitute for the Revenue bill. Sundry petitions were offered, and I began with the rest. But objection was immediately made. The Speaker decided in my favor. An appeal was taken. No quorum; and the House adjourned.

28th. I was obliged this morning to hasten to the Capitol, to be there at the meeting of the House. As soon as the journal of yesterday had been read, I rose to present the residue of the petitions which I had on hand. The Speaker said there was an appeal from his decision that I had the right to present them. He took the question, whether the decision of the Speaker should stand as the judgment of the House, and nearly all the members present rose in the affirmative—not ten in the negative. I presented them accordingly. One for a bankrupt law was received, and referred to the committee of the whole on the state of the Union. One from Wheeling, signed by one hundred and thirty citizens of Virginia, praying Congress to enact laws that all the free colored population may be sold as slaves or expelled from the country. I said I had long hesitated whether I would present this petition—to the prayer of which, nothing could be more abhorrent to my disposition. My respect for the right of petition was my only motive for presenting this. I asked the Speaker if this was one of those which would be suspended by the rule of this session. He said it would.

Stanly objected to its being received, and said it was as in-

human and unjust as would be the general emancipation of slaves.

Fillmore then brought up his resolution for taking the Revenue bill out of committee at twelve o'clock on Friday. McKay moved to strike out Friday and insert Saturday—upon which there was a long debate; but the amendment was rejected, by yeas and nays, and the resolution was adopted. Marshall, of Kentucky, had a petition for a bankrupt law, which, he said, he was extremely anxious to present, because he should vote against the law; but Pickens, and then another member, objected, and he could not get his petition received. His distress was ludicrous, and he called to the reporters to give notice that he had tried.

Hopkins gave notice of his intention to submit for consideration some foolish amendment of the rules.

Committee of the whole on the state of the Union, Cushing in the chair, on the Revenue bill. The first-hour speaker was James Irvin, of Pennsylvania, adverse to the bill, though he is a Whig. He read and spoke out his hour, and was followed by D. D. Barnard, and he by Robert C. Winthrop, who made a very able argument against the details of the bill, with preference for an amendment proposed by Mr. John P. Kennedy. Randolph, of New Jersey, came next, and had amendments to propose. Horace Everett made a Yankee-nutmeg speech, for the compromise and against the compromise, and for and against almost everything else—all in mysterious whispers, addressing sometimes the South, and sometimes the North, ludicrously requesting the Southern members not to hear him.

29th. The House went into committee, Cushing in the chair, on the Revenue bill. Saltonstall made his hour speech in favor of increasing the revenue and against the details of the present bill. He spoke with great rapidity, but was cut off in the midst of a sentence about the great city of Lowell.

Charles J. Ingersoll followed him in a very amusing and most unprincipled speech—a continual taunt upon the impossibility that the Whigs should raise any additional revenue without rousing the people against them to overthrow the Administration.

Ingersoll was followed by Pickens, of South Carolina, whose speeches sound like a tin canister, half filled with stones, rolling down an entry staircase. Him followed Habersham, of Georgia, who gave notice of his intention to move, by way of amendment, a reduction of the proposed duties from twenty to eighteen per cent. It was half-past three when Habersham finished, and McKeon, of New York, took the floor. I moved that the committee should rise; but the Whigs had agreed last evening in caucus to sit through the day, and they refused to rise. But on taking the question there were only one hundred and two voting; no quorum. I called on the Chairman to rise and report the fact to the House. Cushing, after some resistance, and counting the members present, only one hundred and six, rose and reported to the House that the committee had found themselves without a quorum. I then moved to adjourn; but they refused. A call of the House was ordered, and pursued till a quorum appeared—when the Speaker left and Cushing resumed the chair. McKeon rattled out his hour. W. W. Irwin moved a reconsideration of the order to take the bill out of committee at noon to-morrow. The committee rose, and the House adjourned, just before six.

30th. I was at the House before the Chaplain, expecting that the call of Levy, the delegate from Florida, upon the Secretary of War would come up as unfinished business, and intending to move an amendment to his resolution; but he was not even there. Barnard, Fillmore, Winthrop, J. P. Kennedy, and W. C. Dawson each asked indulgence of the House to present memorials or to have tables printed; objection made in every instance, and they took nothing by their motions. Irwin made a short speech, and withdrew his motion to reconsider the vote to take the questions in committee on the Revenue bill this day at noon.

So the House went immediately into committee of the whole on the Revenue bill, Cushing in the chair. Wise spoke his hour out feebly, and in a tone greatly subdued, against the bill. There were but forty minutes left, which Fillmore, Chairman of the Committee of Ways and Means, occupied with sound argument in reply to objections against the bill. From noon

till three, the questions were taken upon amendments, almost all frivolous, and rejected, counting by tellers. One amendment, insidiously offered by Cave Johnson, to repeal the exemption from duty on railroad iron, was carried in committee, but rejected by yeas and nays—ninety-three to one hundred and nineteen—in the House.

When the committee rose and reported the bill, Stanly moved the previous question. Cave Johnson moved to lay the bill on the table; lost, by yeas and nays—ninety-two to one hundred and twenty-three. Yeas and nays on taking the main question, one hundred and thirteen to ninety-six. The bill passed to be engrossed without yeas and nays. There was loud call to take the question on the bill now; but it was not engrossed, and a motion to adjourn was made and carried.

31st. I reached the House again this morning in time to hear the prayer of the Rev. Mr. French. The Speaker called the committees for reports. Then D. D. Barnard called for the orders of the day. The Bankrupt bill from the Senate was taken up, and, after a motion by Atherton to lay it on the table, rejected by yeas and nays—ninety-one to one hundred and twenty-three—was referred to the committee of the whole on the state of the Union, and ordered to be printed; but a motion to print five thousand extra copies of Barnard's report failed. The bill relating to duties and drawbacks, otherwise called the Revenue bill, was read the third time, and passed. George H. Proffit, of Indiana, a high-toned but humorsome Whig, was quite obstreperous against it yesterday, because it includes tea and coffee among the articles to pay a duty of twenty per cent. ad valorem, and because he had not been allowed to make a speech on sundry amendments which he had intended to propose. He had offered a resolution for the adoption of a rule to take the yeas and nays upon questions in committee of the whole—one of the worst alterations that could be made. And now he broke out into a violent attack upon the precipitation with which this Revenue bill has been driven through the House. Stanly answered him somewhat in his own temper, and moved the previous question. The second to the previous question was taken by tellers, and carried. On putting the main

question the yeas and nays were one hundred and seventeen to ninety-five, and the bill passed—one hundred and sixteen to one hundred and one. Borden, Saltonstall, and Winthrop voted against it. I hesitated much before making up my mind to vote for it; but the necessity of providing the means to replenish the Treasury, to restore credit, and to pay the public debt outweighed all other considerations—especially as the winter session is close at hand, when any necessary modification of the Act may be made. Proffit voted for the bill, intending to move a reconsideration and then make a speech; but J. C. Clark was too quick for him, and moved at once a reconsideration and the previous question. The reconsideration was rejected—ninety-nine to one hundred. Wise then moved to amend the title and call it an Act to violate the Compromise of 1833, made a speech of half an hour, and then withdrew his amendment. Bidlack, the jackass mimic of the lap-dog, made the same motion to amend the title; but his amendment was insulting to the House, and he was not allowed to drone out his half-hour. The previous question was called, and carried, and at two the House adjourned.

August 2d. Petition day. I had only three or four, all abolition petitions, to present; but I was desirous of presenting a resolution. The journal of Saturday, however, had no sooner been read than John Sergeant, Chairman of the select Committee on the Currency, moved to go into committee of the whole on the state of the Union, with a view to take up the Bank bill from the Senate. I enquired if it was intended that no more petitions should be presented and no more resolutions acted upon at the present session of Congress. Several other members urged the allowance at least of the morning hour to the reception of petitions and resolutions. But Sergeant persisted, and the House went into committee. The Speaker called D. D. Barnard to the chair; but he asked to be excused, and John C. Clark was substituted in his place. James J. Roosevelt, from the city of New York, attempted to snatch the floor away from Sergeant by moving the committee to take up the Bankrupt bill; but Sergeant objected that the Chairman had not announced the committee to be in

session—though, in fact, this is never done. The Chairman, however, did so now; and Sergeant was too quick for Roosevelt, in moving to take up the Senate's Bank bill. Roosevelt failed in his dishonest attempt to get the floor—said he saw the House intended to give the go-by to the Bankrupt bill; and the House laughed at him. Sergeant, after premising that the object of the special session was to put the affairs of the country in order, assumed that the concerns of the Government never could be managed well without the agency of a bank, and, for proof, went back to the institution of the Bank of North America by the Confederation Congress, in December, 1781. He then pursued the subject historically, but confined his argument almost exclusively to the position that although one's private opinion might be against the authority of Congress to establish a bank, he might safely waive the constitutional question, as President Madison did in 1816.

After Sergeant, Robert McLellan, of New York, wore out his hour against the bill, as did Romulus M. Saunders, of North Carolina. Alexander H. H. Stuart, of Virginia, vindicated the bank of 1816 as a Democratic establishment. Andrew Kennedy, of Indiana, spouted rabblement eloquence for his hour, against the bill. John Thompson Mason, of Maryland, took the floor on the same side.

At four o'clock the committee rose, and the House adjourned. Morgan gave notice that he would move a resolution to-morrow to take the bill out of committee next Friday at two o'clock.

3d. I was again belated this morning in reaching the House, and missed the opportunity of presenting three abolition petitions, several others, not of the same character, having been presented and received by general consent. I found Levy, the delegate from Florida, attempting to get up for consideration his resolution of enquiry upon the Secretary of War. I said I had an amendment to it to offer; whereupon it was dropped by instinct—that is, by general consent. Levy, and Giddings, and Randall, of Baltimore, came to my seat to enquire what my amendment was; and I gave it to each of them to read.

The House will hear no more of Levy's resolution, unless he can slip it through in my absence.

William M. Oliver, of New York, had given notice yesterday that he would this day offer a resolution to amend the rules so that the yeas and nays may be taken in the House upon amendments rejected in the committee of the whole. He offered the resolution accordingly. Barnard objected to its reception, and Fillmore moved to lay it on the table. Much altercation whether it was received or not. Question upon laying on the table at last taken, by yeas and nays, and carried—one hundred and seven to eighty-four.

Committee of the whole on the state of the Union, John C. Clark in the chair, on the Bank bill from the Senate. John Thompson Mason, of Hagerstown, announced that he opposed the bill on original grounds—all his own. His main argument was that the Legislature of Maryland had, by the State Constitution, no power to charter a bank—whence he inferred that they could not grant to Congress the power to charter a bank in the District of Columbia; and of such materials was his hour's speech composed.

Charles Brown, of Philadelphia, followed for his hour, and said he should make a different speech from what he would have made if he had got the floor yesterday. This is a sample of the man—an empty demagogue, but not crabbed or sour-tempered.

William H. Washington, of North Carolina, the youngest member of the House, made a speech of forty minutes in favor of the bill, worth more than all the declamations against it, past, present, and to come.

Fernando Wood, from the city of New York, came next, against the bill. He said he was not a talking man; but he talked nonsense and knavery for an hour, threatening to repeal the bill if it should pass, because a rabble of his constituents have passed resolutions that it shall be done.

William W. Payne, of Alabama, closed the debate for the day, with violent denunciation of the unconstitutionality of a bank. When he closed, Morgan said that Payne had introduced into the Legislature of Alabama a resolution instructing

the Senators in Congress and requesting the Representatives to introduce and support a bill to establish a national bank, with a capital of one hundred millions of dollars. Payne said he had nothing to say to that. A shout of laughter.

4th. At the House, Morgan called up his resolution to take the Bank bill out of committee next Friday at twelve o'clock; but, the question now being on a motion to strike out the enacting clause of the bill, no amendment to it can be moved till that is decided; and, as the debate upon it will be continued until the limited time for taking the bill out of committee, there will be no time even to offer amendments, and certainly none for debating them. After much underbrush conversation, Morgan, after an ineffectual motion for a call of the House—rejected, by yeas and nays, eighty to eighty-nine—modified his resolution so as to fix next Tuesday instead of Friday to take the bill out of committee; rejected, by yeas and nays—fifty-five to one hundred and thirty-six. Sergeant then renewed Morgan's original resolution, and moved the previous question. Gilmer moved to lay the resolution on the table. Lost—yeas ninety-six, nays one hundred and six; and the resolution was carried.

Committee of the whole on the state of the Union, John C. Clark in the chair. Bank bill. John M. Botts made an hour speech, ardent for the bill. He maintains that the constitutional power of Congress to establish a bank is derived from the power of coining money and of regulating the value thereof. He reviews the objections of Jefferson against the bank in 1791, and shows them to have been frivolous and absurd.

Aaron V. Brown, of Tennessee, George H. Proffit, of Indiana, Milton Brown, of Tennessee, and Roger L. Gamble, of Georgia, followed, each for one hour—the first against, Proffit against the bill but promising to vote for it, M. Brown and Gamble for it. He closed about four P.M. A motion was then made to rise; no quorum. The Chairman reported the fact to the House. I moved to adjourn; yeas and nays, seventeen to seventy. Call of the House—sixty-four to twenty-three. Call continued till one hundred and twenty-nine members

answered. J. C. Clark resumed the chair. T. F. Marshall, who had taken the floor, declined speaking, from indisposition. Weller, McKeon, Alford, and Hubbard consumed four hours. Pope took the floor, the committee rose, and the House, after nine, adjourned.

5th. I offered a resolution to request the President of the United States to inform the House by what authority the Minister of France had addressed to the Secretary of the Treasury a remonstrance against a measure pending before Congress. Objection was made to it, as not in order. I claimed it as a privileged question, and the Speaker decided that it was. Turney appealed from the decision, but, after a discussion of about an hour, Botts moved to lay the resolution on the table; which was carried, by yeas and nays—ninety-nine to seventy-nine.

Committee of the whole on the state of the Union, John C. Clark in the chair, on the Fiscal Bank bill. Mr. Pope, of Kentucky, made his speech of an hour in favor of the bill, and was succeeded by Thomas F. Marshall, of the same State. It was noon, and I was just then called to attend a meeting of the Massachusetts delegation in the chamber of the Committee of Foreign Affairs, to consult whether they would deem it expedient to offer or adopt amendments to the Bank bill, and, if any, what they should be. Borden, Burnell, Cushing, Hudson, who spoke for Baker, and Briggs, Saltonstall, and Winthrop, attended; Calhoun and Hastings are unwell; Parmenter was not notified. There was nearly an hour of discussion, but no agreement of opinion upon the subject of amendments, and I was finally chosen, without instructions, to represent the delegation at a larger meeting, held at one o'clock, at the same place, of one representative from the Whig portion of the delegations from all the States.

At this meeting I was chosen Chairman, and sundry amendments were agreed upon to be offered by J. Sergeant, Chairman of the Currency Committee, who said he had received intimations that amendments might be proposed from the House without endangering the bill. I returned to the House at two P.M., just as Wise was closing his hour speech against the bill.

He had followed Marshall, whose speech was against the compromise clause. Bidlack had preceded Marshall against the bill. Dean, of Ohio, raved like a maniac for a full hour against the bill and the Whig party. Richard W. Thompson, of Indiana, followed with a very spirited and sensible speech in its favor. I proposed a series of amendments, but was arrested in the midst of the argument by the expiration of the hour. Isaac D. Jones, of Maryland, followed me, in support of the bill; Charles J. Ingersoll, against it. Daniel D. Barnard gave a general argument upon the necessity of banks for currency, circulation, and exchange.

About nine, motion for committee to rise; rejected. No quorum. Caucus in the chamber of the Committee of Foreign Affairs; determine to admit no amendments. Robert M. T. Hunter discourses an hour upon the conflict between capital and labor. Pickens takes the floor, and yields it to Underwood, who promises to hold it only ten minutes, then half an hour, and absorbs the whole. Roosevelt takes the floor. The committee rise, for want of a quorum, and, at five minutes before eleven, House adjourns, by yeas and nays—forty-nine to thirty-seven.

6th. I found James J. Roosevelt, of the city of New York, speaking against the Bank bill in committee of the whole on the state of the Union, John C. Clark in the chair. At eleven, precisely, his hour expired, and Thomas Butler King, of Georgia, in competition with F. W. Pickens, obtained the floor, and spoke about three-quarters of an hour. He gave an ingenuous account of the change of his opinion from an undoubting conviction that a bank was not essential to the regulation of the currency, to a decision still more clear that it was.

William Cost Johnson, who has been absent from his seat during the whole discussion upon this bill in the House, till yesterday, spoke for about ten minutes, chiefly to say that, although he had been a member of the Committee on the Currency and had agreed to the bill reported to the House, he was also willing to vote for the bill now before the committee.

At the last moment before twelve, James A. Pearce, of Mary-

land, began to speak, and proceeded until silenced by vociferous calls to order.

The first question taken was on the motion to strike out the enacting clause; rejected, by tellers—eighty-seven to one hundred and thirty-six.

Then came the propositions of amendments. Two or three were moved to the first section by others, upon which, when the questions were put, not more than half a dozen voices answered, Ay; while the negatives sounded like peals of thunder. I saw that the caucus decree of last evening was in full operation. I nevertheless proposed the amendment of which I had given notice yesterday to the first section, and one other. They were rejected, like the rest. I then said that, observing the repugnance of the committee to admit any amendments, I should withdraw all the others that I had proposed, except that in the sixteenth article of the eleventh section, respecting the assent or dissent of the State Legislatures to the establishment of branches. That question only was taken, by tellers, and lost—forty-eight to one hundred and five.

T. F. Marshall, who had first moved the amendment, in terms different from mine, requested me to move it, because Mr. Clay felt it as personally offensive from him. I offered, accordingly, his amendment, and afterwards no other. The opposition members offered many; Underwood, all his—all rejected.

Sergeant moved the committee to rise, and report the bill, without offering any of the amendments which had been agreed upon in the delegation caucus yesterday. The bill passed to engrossment—one hundred and twenty-nine to ninety-seven; and passed—read by its title—one hundred and twenty-eight to ninety-eight; upon which there was shouting and stamping and clapping of hands in the gallery. Reconsideration was rejected pro formâ, and the House adjourned, a quarter-before three.

7th. The House fell into a snarl, in a struggle, finally successful, to take up the bill from the Senate to repeal the Sub-Treasury, reported by the Currency Committee to the House, with amendments.

Sergeant moved to go into committee of the whole on the state of the Union, to take up that bill. W. Cost Johnson proposed the District Bank bill; D. D. Barnard, the Bankrupt bill; Mr. Williams, the bill to amend the Act to provide for taking the sixth Census. After much confusion, this last was taken up; but Alexander Randall had an amendment to it to offer, but was not in his seat, and, coming in shortly after, was not ready. The bill was laid aside, and the Bankrupt bill taken up and read through—immediately after which, a motion was made to lay it aside and take up the Repeal bill. Barnard said he would not press the further consideration of the Bankrupt bill now; but the vote could not be carried to take up in committee the Repeal bill. After an excessively confused wrangle, and a hot cross-fire of calls to order, a motion was made and carried for the committee to rise. Tillinghast, the Chairman, gave the chair to the Speaker, and Sergeant moved to discharge the committee of the whole from the further consideration of the Repeal bill. Bidlack objected that, as a money bill, it must, by the rules, be first discussed in committee of the whole. The Speaker decided that the motion to discharge the committee of the whole from the consideration of a bill was debatable. I appealed from the decision; but the Speaker refused to entertain the appeal. The previous question was carried. On putting the main question, I did not vote, and asked to assign my reason. The Speaker said it was not in order. The vote by yeas and nays to discharge the committee was one hundred and three to one hundred and two; and it was carried by Sollers changing his vote.

Then came the question, whether the bill discharged took precedence of all other business in the House. The Speaker decided that it did. Hopkins appealed, but, on learning from the Clerk that the same bill was the first in order on the calendar, withdrew the appeal—which I renewed; but the Speaker refused to receive the appeal.

Next followed a cock-and-bull squabble between James A. Pearce and John T. Mason, two members from Maryland; then a speech of an hour from Gordon, of New York, and another from Shields, of Alabama—both against the Bank bill.

9th. The journal stated that the Navy Pension bill, returned from the Senate with amendments, had been referred to the Committee of Ways and Means. It should have been to the Committee of Naval Affairs, and was so amended at my motion. John W. Jones presented factious resolutions of a Democratic meeting in Fauquier County, Virginia, against the extra session of Congress and all the great measures proposed since it met. Jones moved they should be laid on the table and printed.

Cuthbert Powell, who represents the Fauquier district, said that the Democratic meeting amounted to thirty-three persons; that their resolution threatening the repeal of the Bank law was strongly contested among themselves, and was not the sentiment of the people of the district. The resolutions were laid on the table; but the motion to print was rejected, by yeas and nays—one hundred and seven to seventy-six.

Bryan Y. Owsley, of Kentucky, offered a joint resolution to adjourn on Wednesday the 18th. Fillmore objected till the Bankrupt bill shall have been acted upon. The committees were called for reports; and then resolutions were promiscuously offered. I presented one requiring of the Clerk to prepare, and report to the House at the commencement of the next session, a list of the petitions the reception of which has been suspended during the present session. After a long struggle to dodge this resolution, from all parts of the House, Gilmer, of Virginia, moved to lay it on the table. I called for the yeas and nays, and, with the utmost difficulty, obtained them. They were one hundred and twenty-four to sixty-two —so utterly prostrate is the right of petition in the House, and so ashamed are they who submitted to the expedient of excluding *all* petitions to keep out the abolitionists, that any record of their prostitution should remain.

A multitude of other resolutions were offered, very few of which were adopted. Robert Tyler came with a message, and the House was all agog for a veto of the Bank bill. It was to announce that the President had signed a bill to continue some charitable corporation at Alexandria; whereupon the House burst into a fit of laughter.

The Sub-Treasury Repeal bill was now taken up, and discussed by Pickens, Hiram P. Hunt, Meriwether, and Steenrod. At four o'clock, John Hastings, of Ohio, took a quire of paper out of his pocket and began to read. I came home and dined, and returned to the House at half-past five. I had left not more than fifty members in the House. When Hastings finished his reading, Giddings moved the previous question. There was a call of the House, and two hundred and six members had answered. I arrived just in time to vote upon an appeal from a decision of the Speaker by James W. Williams, of Maryland. The decision was sustained. The bill passed, by one hundred and thirty-four to eighty-seven. Halsted moved a reconsideration, and, amidst riotous confusion, told the whole story how the bill was passed by the spurious representation from New Jersey.

10th. Wise came into the House this morning and asked leave to have his name recorded in favor of the bill to repeal the Sub-Treasury, passed last evening, but was refused. D. D. Barnard moved to go into committee of the whole on the state of the Union to take up the Bankrupt bill. Wise wished to take up the amendments from the Senate to the Navy Pension Appropriation bill; but Barnard persisted, and, by seventy-seven to fifty-seven, the House went into committee, Tillinghast in the chair, and Barnard made his speech of a short hour in support of the bill. There is no better subject for popular declamation than the distressed condition of hopeless insolvency. But the bill is a sponge. He said there were five hundred thousand of these hopeless insolvents in the United States.

Nisbet, of Georgia, followed, with a neat and elegant speech for the bill. Gordon, of New York, snarled against it. This man, in speaking, keeps butting his head against the air like a he-goat. Roosevelt, from the city of New York, followed him in a remarkably pleasant, good-tempered speech, gracefully delivered. Samson Mason, of Ohio, took the same side; though he said he had long been undecided whether to vote for or against the bill. The debate was very languid. Hardly any one seemed willing to say anything on the subject, and the House was nearly deserted. At last, Charles G. Ferris,

from the city of New York, mustered courage to make a very sensible and not ineloquent speech against the bill. Ferris contrasts with his colleague Roosevelt. He is a heavy, coarse, vulgar-looking man, with a slouching dress and slovenly deportment, but civil, courteous, and unpresuming. He speaks seldom, but very well, and, in pointing out the radical defect of this bill, dwelt upon its great characteristic feature—the total disregard of the creditor. I believe no Bankrupt law can, in this country, be of much benefit to the class of creditors. The Bankrupt law of 1800 operated as a receipt in full for some hundreds of men who had large debts and nothing to pay. This bill will pass some thousands through the same process. There has been for forty years since that law expired an overpowering prejudice against any Bankrupt law; and now, by a sudden and unaccountable revulsion, there comes a whirlwind to carry it through. Mr. Saltonstall took the floor, the committee rose, and at half-past three (the House adjourned).

11th. John Foote and James Kelly are two of the stonecutters who have been employed on the public buildings and are now without work for want of appropriations. They came now to complain of a new grievance. John Snyder, a member of the House from Pennsylvania, yesterday (the day before) offered a resolution that hereafter all repairs on fortifications or public buildings shall be made by contract, let out to the highest bidder. It is doubtful whether he intended to include in his resolution the works on the public buildings in this city; but these men were alarmed, and resort again to me for aid and protection. They said it would, if adopted, put the workmen wholly at the mercy of the contractors, and make their bread depend upon their votes at elections, as it had under the last Administration. I told them I would see what I could do for them.

At the House, committee of the whole on the state of the Union, Tillinghast in the chair. Bankrupt bill. Fessenden, a promising young man from Portland, Maine, made an hour speech in its favor. His slender form and pallid face indicate a feeble constitution, ill suited to the latitude of Portland. He speaks with great facility, without elegance—plain sound sense,

but without striking thought or imagery, wit or humor—always grave, always calm, always moderate, never very impressive, never original in thought or sentiment.

He was followed by Archibald L. Linn, from Schenectady, New York, a young lawyer of prepossessing appearance, who assailed several of the details of the bill, which was defended by Nathaniel G. Pendleton, of Cincinnati, Ohio, the successor of Dr. Duncan, and a complete contrast to him in character. Pendleton is a finished gentleman, studious of dress, studious of language, with a complexion of more than Indian darkness, and eyes black as coals, yet sparkling with good humor. He was for the bill in whole and in all its parts.

Joseph Trumbull, of Hartford, Connecticut, was more discriminating, and objected to some of the details; and Underwood, of Kentucky, was still more dissatisfied with it. He had several amendments to propose. He did not expect they would be adopted, and, if not, he should vote against the bill. John Moore, of Louisiana, closed the debate of this day in favor of the bill, and at half-past two the committee rose, and the House adjourned.

13th. Barnard moved his resolution to take the Bankrupt bill out of committee at two o'clock P.M. this day, and carried it—seventy-four to sixty-one. John T. Mason attempted to introduce the proceedings of an anti-bank meeting, but could not prevail on Barnard to allow him. Nor could Graham, who had a resolution to offer about placing the statue of Washington, just received from Greenough at Florence. Nothing would do but to take the Bankrupt bill out of committee and pass upon it at two o'clock. So the House went immediately into committee upon it, and James J. McKay made a sensible speech against it. Birdseye, of New York, preceded him; immediately after which, Truman Smith moved the committee to rise, for the House to reconsider the vote to take the bill out of committee at two o'clock. Wise objected, and resorted to points of order, saying that there had been too much dilatory shuffling on this subject—which nettled some of the Whigs; but Barnard coolly assented to Truman Smith's motion.

I asked Winthrop what all this meant. He said the Ken-

tucky and Indiana delegations would vote against the Bankrupt bill if the veto on the bank should come in, and will not vote for it while the veto is impending. Wise resorted to all his captious rules of order, in vain. The committee rose. Truman Smith moved his reconsideration, and it was carried—one hundred and two to ninety-eight. Atherton moved a reconsideration of the vote to adjourn over to Monday; lost—one hundred and one to ninety-four—and the House went into committee again. Wise squirted at the Whigs like a retreating skunk. Briggs and Morgan replied to him for the bill. White, of Indiana, discoursed on the same side; James W. Williams, of Baltimore County, against it, and proposed a substitute bill. He was encountered by Augustus R. Sollers, of the same State. Committee rose before three. Adjourned.

14th. The President of the United States, the members of his Cabinet, and all the members of both Houses of Congress had received invitations to visit the line-of-battle ship Delaware, lying off Annapolis, this day. Commodore Morris, who is going out in command of her, had given me an additional verbal invitation; and I had concluded to go, until the feud between the President and the two Houses of Congress, festering ever since a special Providence placed John Tyler in the Presidential chair, came to an issue by the passage of the Bank law, which it is known he intends to negative. The excitement in both Houses and in public is so great that I thought it no time for festivity or hollow-hearted pageantry. The President himself appears to have become sensible that this exhibition of himself to public gaze and outward display of adulation was ill suited to the real feelings of the time, and did not go. The House yesterday adjourned over to Monday, for this frolic; but the Senate refused to adjourn, and sat this day, as usual.

Mr. William Morse, of Hanover, Massachusetts, a constituent of mine, had written to me requesting a copy of the Bankrupt bill as it passed the Senate. I went to the office of the National Intelligencer to enquire for it, as I thought it had been printed in that paper. It had not; but Mr. Gales gave me a copy of the printed bill itself. Mr. Gales told me much about the abortive negotiations with the President to prevail upon him to

sign, or at least not to veto, the Bank bill. He says that the compromise clause, introduced at the last gasp in the Senate bill, was in the handwriting of Secretary Ewing. The familiar spirit of Socrates was wont to advise him negatively, not to act. Is not this the true spirit for the present occasion?

16th. THE VETO.—Sundry petitions were presented in the House this morning, and Hopkins offered a resolution of instruction to the Committee on Post-Offices and Post-Roads; which was adopted. Weller presented the proceedings of an anti-bank Democratic meeting in Ohio, and John W. Jones offered a similar document from the Isle of Wight, in Virginia. Llandaff W. Andrews, a passionate and bad-tempered Kentucky Whig, objected, and said he would object to everything not strictly in order. Jones complained about stifling the voice of the people, but submitted. Snyder offered a resolution for adjournment next Monday, but some one said, "Wait for the veto." Barnard made half a dozen motions to go into committee of the whole on the state of the Union, but yielded the floor for various other motions, among which was one of W. W. Irwin, from the retrenchment committee, for leave to sit during the recess of Congress, with power to send for persons and papers, and to report at the next session by bill or otherwise. Andrews moved to lay the resolution on the table; carried, by yeas and nays—one hundred and thirty-nine to forty. The Census bill was taken up, and passed, with Randall's amendment to print twenty thousand copies of the compendium; carried, by yeas and nays—one hundred and twenty-one to sixty-three.

At last the House went into committee of the whole on the state of the Union upon the Bankrupt bill, Tillinghast in the chair. Isaac E. Holmes, of Charleston, South Carolina, made a long-studied hour speech against the bill. Holmes is a pompous orator, fancying himself a very profound statesman. He has a pickpocket habit of looking askance from the corner of his eyes while he is speaking, and he affects deep logical deduction. Francis James, of West Chester, Pennsylvania, a plain, downright wet Quaker, followed him for the bill, succeeded by John Sergeant, and he by Jacob M. Howard, of Michigan. These speeches were made with less than forty members in

the hall. The flock were in the Senate to hear the Veto upon the Bank bill delivered there this day at noon. When Howard finished, no other member rose to speak. Barnard moved the committee to rise, and gave notice that he should to-morrow morning move to take the bill out of committee at noon. Wise moved to amend the motion for the committee to rise, by adding "and report the bill." The Speaker at first decided that this amendment was in order, and afterwards that it was not. The committee rose, and the House adjourned shortly after two.

When the Veto message was read in the Senate, there was some slight disorder in the galleries; whereupon T. H. Benton made a ridiculous scene, till a man was taken into custody, and the doughty knight of the stuffed cravat abated his manly wrath. The Veto message and its inevitable consequences will utterly prostrate the Administration and the party by which it was brought in. It surrenders the country to the profligate political swindlers so recently driven from power. There is a Providence in the fall of a sparrow!

17th. I called this morning at the Department of State, and found in close conference with him (Mr. Webster) Mr. Frothingham, heretofore Cashier of the United States Branch Bank at Boston. I returned to Mr. Webster the note to the Spanish Minister, Argaiz, which he had sent to me for my perusal, and made enquiry when the answer from the Department was to be expected to a resolution of the House, offered by me, calling for the aggregate returns of the Census. He sent for Weaver, from whom it appeared that, instead of the document called for by my resolution, he had commenced under it a new and different aggregate, which has employed two clerks ever since and is now not more than two-thirds finished. And now provision is made, in a bill supplementary to the Census Act, which passed the House last Friday, for printing twenty thousand copies of the aggregate for which my resolution called, leaving the resolution to apply only to the new and nearly worthless summary undertaken by Weaver to defeat my purpose; all which is done for the purpose of giving some paltry printing job to the publishers of the Globe.

In the House, Barnard offered, and carried, his resolution to take the Bankrupt bill out of committee at noon this day. In committee he replied to the various objections against the bill, followed by Saltonstall for it, and a final blast of Sprigg, of Kentucky, against it. At noon the debate ceased; a multitude of foolish amendments were offered, and all rejected. He offered one himself, to strike out the 1st of November next and insert the 1st of February, for the commencement of the Act, and, at my suggestion, to strike out the words "and no sooner." With this single amendment the bill was reported to the House, where Clifford moved as an amendment to the amendment a proviso saving the State insolvent laws; which was carried, by yeas and nays—ninety-nine to ninety-six. And then Underwood moved to lay the bill and amendments on the table; carried—one hundred and ten to ninety-seven; and, at half-past two, the House adjourned. Jovial evening party of Whigs at Mr. Daniel Webster's, on Capitol Hill.

18th. Immediately after the reading of the journal, Roger L. Gamble, of Georgia, moved a reconsideration of the vote of yesterday which laid the Bankrupt bill on the table; whereupon Weller of Ohio, moved a call of the House; upon which the yeas and nays were taken—one hundred and seventy to seven. The call consumed upwards of an hour, and was pursued to the closing of the doors and windows and the receiving of excuses. Two hundred and six answered to their names. Cave Johnson moved to lay the motion for reconsideration on the table. There was some parley about excusing Barton, of Virginia, who was in the House and voted for the call, and then retired, indisposed: that question, too, was taken by yeas and nays—one hundred and thirteen to seventy-four; a party question. About half the alphabet of absent members had been excused, when Botts moved to suspend further proceedings on the call; yeas and nays again—one hundred and eleven to seventy-six. Then on Cave Johnson's motion to lay the motion for reconsideration on the table—ninety-two to one hundred and eleven. Then on the reconsideration; carried—one hundred and eight to ninety-eight. Then the question came back on Underwood's motion to lay the bill and amend-

ments on the table. He offered to withdraw it if he could at the same time offer an amendment—which the Speaker declared inadmissible, the previous question having been demanded. Refusal to lay the bill and amendments on the table—yeas and nays, ninety-nine to one hundred and twelve. Sollers then moved a reconsideration of the vote yesterday which adopted Clifford's amendment to the amendment, and moved the previous question. Just at this point, King, of Georgia, announced the arrival of John T. Stuart, a member just elected from Illinois, to whom the oath was administered by the Speaker. Reconsideration carried—one hundred and sixteen to ninety-three. Clifford then modified his amendment by an additional clause; voted down—ninety to one hundred and nineteen. Then came the question on the engrossment of the amendment reported by the committee of the whole, postponing the commencement of the bill from 1st November to 1st February next, and the passage of the bill to the third reading; carried. Wise moved a call of the House, two hundred and twelve members being present, to see who would dodge the question. Call refused, by yeas and nays—eighty-nine to one hundred and sixteen; and then, under the previous question, the bill was passed—one hundred and ten to one hundred and six. Morgan moved a reconsideration and the previous question; yeas and nays, ninety-nine to one hundred and fifteen.

Committee of the whole, Boardman in the chair, on the District Bank bill; passed, with an amendment thrice voted for, to get a count of eighty-six to thirty-six—a precise quorum, within half an hour after two hundred and sixteen members had voted. The bill was passed—one hundred and eight to fifty-eight—after a motion to adjourn, lost, by yeas and nays—seventy to seventy-nine. Dickins, Secretary of the Senate, announced their concurrence in the amendment to the Bankrupt bill. Adjourned at a quarter-past three.

In the evening, I went to hear the music of the Marine Corps band, on a stage in the southern enclosure at the President's house. He was on the south portico, and Mr. Hawley came from him and invited me there. I went, and he intro-

duced to me his three daughters — Mrs. Semple, Mrs. Jones, and Miss Tyler. Mrs. Tyler was also there.

19th. Committee of the whole on the state of the Union, James W. Williams, of Churchville, Harford County, Maryland, in the chair. The amendments of the Senate to the Fortification Appropriation bill were taken up, and captiously debated. The Committee of Ways and Means proposed an amendment to one of the Senate's amendments. moved an amendment to the amendment proposed by the committee. This was objected to as an amendment in the third degree; not allowed by the rules. The Chairman decided that it was in order, the rule being confined to proceedings in the House, and not extending to amendments proposed by the House. Proffit made a fractious, scolding speech, complaining of injustice in withholding appropriations from the West, and especially that for fifteen States there was but one member on the Committee of Ways and Means. Howard, of Michigan, followed in a milder mood.

I went into the Senate-chamber, and heard Henry Clay for about half an hour comment severely on the Veto message, till I was summoned back by a call of the House. The committee had risen for want of a quorum. The call produced one hundred and sixty members, and the Chairman of the committee of the whole resumed the chair. The debate on the amendments from the Senate, and the amendments to them proposed by the Committee of Ways and Means, was continued to great tediousness—till Fillmore prevailed on the committee to report both sets of amendments to the House, which thereupon, shortly after three, adjourned.

20th. At the House they seemed scarcely to know what to do. The committees were called for reports, but none were made. For want of anything else, John G. Floyd's McLeod resolution was taken up. About the first week in July, Morgan had taken the floor on this motion, but it now came up unexpectedly, and he was unprepared. He made a short speech in answer to an old rancorous forgotten one of Bowne, with allusions to Bowne's federal friend and predecessor, Prentiss. Morgan read Van Buren's instructions to McLane in England

to make a merit of the sacrifice of the navigation interest of the Union, and imputing to the preceding Administration an obstinate adherence to, and then an abandonment of, the same interest.

Bowne replied in a towering passion, acknowledging that Prentiss had been a federalist, but insisting that he had seen the error of his ways, and become a convert to Democracy, dyed in the wool. He then attempted a feeble panegyric upon himself, and a pompous one upon Prentiss, a worthless and malicious fellow. Morgan asked him if Prentiss had paid the bet of one thousand dollars that he lost last summer. Bowne's countenance fell, and he said he knew nothing about that. But it is well known that he did make the bet, and, after losing, refused to pay it—in justice, he said, to his family. Barnard moved to postpone the subject till next Tuesday, wishing, he said, to occupy about an hour upon it. Maxwell moved to lay the resolution on the table; lost, by yeas and nays—seventy-nine to one hundred and eleven. Cave Johnson moved and withdrew the previous question. Ingersoll moved an amendment. Not in order. The subject was postponed.

Amendments of the Senate to the Fortification bill, with amendments to them reported from the Committee of Ways and Means, and from the committee of the whole, taken up. Two of the Senate's amendments adopted, two rejected.

Message from the Senate, announcing that the President had vetoed the Bank bill; that the Senate had reconsidered it, and resolved that it should not pass—two-thirds not voting for it. The vote was twenty-five to twenty-four. Committee of the whole on the state of the Union, Dawson in the chair. Sergeant moves to take up the House bill No. 14, the Bank bill, reported by the Currency Committee, and then moves a substitute by the name of a Fiscal Corporation. Read. Committee rose, and the bill was ordered to be printed. Adjourned a quarter-after three.

21st. Sergeant moved a resolution that debate on the new Fiscal Corporation bill should cease in committee of the whole at four this afternoon, and the question then to be taken on pending amendments, and the bill be reported to the House.

Hubbub. Roosevelt moved an amendment to take the questions instanter. Morgan was for accepting the amendments. On private remonstrances, Sergeant modified his resolution so as to substitute four o'clock P.M. next Monday, instead of this day, to take the bill out of committee.

Cave Johnson asks to be excused from voting on this question, and raves against the House, and the rule, and the gag. Called to order two or three times, and permitted by yeas and nays, and at last voted down for continual disorder. Then Charles Brown played the same game for three-quarters of an hour, till *he* was voted down. Rhett, of South Carolina, asking to be excused, with a paper of reasons; and *he* was voted down. He then demanded that his reasons should be entered on the journal; refused—being against the rule. Andrew Kennedy, of Indiana, made the fourth experiment on the patience and forbearance of the House, till *he* was voted down and withdrew his motion to be excused. Full three hours were wasted in this wretched and brutal trifling, till Pickens himself entreated them to push it no further, and to give it up. The question upon the resolution was then taken, and carried. Garret Davis charged Rhett with having voted for just such a resolution as that which he now so bitterly vilified—which Rhett denied; but he did vote for the first resolution of this character, moved by Clifford, 26th June, 1840, to force the passage of the Sub-Treasury bill.

And now, after all this chicanery, the House, at the motion of Sergeant, went into committee of the whole on the state of the Union, Dawson in the chair, on his new Fiscal Corporation bill. Sergeant spoke his hour in explaining the bill, and Wise two hours against the bill, but most especially against Henry Clay, whom he called "Rumor." At the end of his first hour he did not take his seat, but Turney, of Tennessee, moved to strike out the enacting clause of the bill, and then gave the floor to Wise, who claimed and exercised it, by decision of the Chairman, against numerous remonstrances. T. F. Marshall took the floor, the committee rose, and the House adjourned.

22d. Evening visits from Mr. Saltonstall and Mr. Winthrop,

and afterwards from Mr. Isaac C. Bates, one of the Senators from Massachusetts, for a confidential consultation. He showed me an amendment to the Land bill, so called, proposed by Mr. Berrien, of Georgia, and without which he announces that he will not vote for the bill. The amendment is that if at any time the impost duties should exceed twenty per cent. ad valorem, the distribution of the proceeds of the sales of the public lands shall be suspended so long as such excess shall continue; the object of which is to force the continuance of what is called the Compromise Act of February 7th, 1833. He asked my advice whether to vote for the bill should this amendment be adopted.

I said I certainly should not; but he will. He complained bitterly of the manner in which injustice and indignity are heaped upon New England; but he, and the whole delegation from Massachusetts, will submit to any mortification while Mr. Webster shall continue to be Secretary of State; and he will remain Secretary of State till he shall be positively removed from the office. There is now every probability that this must soon happen; but the interval will be filled up with humiliating compliances. The first and meanest of these was that which disgraced the late vetoed Bank bill. I disdained submission to it, and voted against the bill. But the Whig portion of the delegation yielded, even those who had flinched at the Revenue bill. Let it not be forgotten.

23d. Immediately after the reading of the journal, the rectification of the votes of Dean and Proffit on the journal of yeas and nays of last Saturday, and a peevish complaint of Cave Johnson, that a call moved by him for some list of removals had not yet been answered, the House, on the motion of John Sergeant, went into committee of the whole on the state of the Union, W. C. Dawson in the chair, and took up the Fiscal Corporation bill. T. F. Marshall spoke one hour in avowed reply to Wise's speech of Saturday, and pulverized it with solid argument and impassioned yet chastened eloquence. Wise's ghastly face was convulsed with torture under it, and his laugh was the laugh of an excruciated fiend. Marshall's hour expired in the midst of one of his most beautiful flights

of fancy. Wise was upon the rack; another hour would have impaled him. Marshall was followed by the dull prosing of Gilmer, ex-Governor of Virginia. Governor Reynolds, of Illinois, had just been sworn in by the Speaker. Gilmer's argument against the bill was nothing; but he indulged his resentment against the imputation of forming part of a kitchen Cabinet, which Mr. Clay had given out covertly in his speech last week on the veto. Gilmer has just talent enough to have been some time Governor of Virginia, and to have resigned his office upon some misunderstanding between him and the Legislature of the State relating to his mismanagement of the controversy with the Governor of New York.

Proffit, of Indiana, came next, having made a complete somerset over to Democracy. The people of his State have just done the same by a sweep almost total from Whiggery. Proffit follows their lead. He is a self-made man, with a grave, stern, forbidding face, and a sly, shrewd, caustic humor, which, when he speaks, never fails to convulse the House with laughter. He is rather low in stature, but well proportioned, with an air of restless anxiety which contrasts with the pungent drollery of his sarcasms. He is altogether a very pleasant member of the House, but not a trusty one to anything but his own humor. He made now a bitter speech against the bill, succeeded by a more effective one of W. Cost Johnson in its favor. Then Pope rambled an hour for and against it. Horace Everett, with small power of speech, but with much influence, as a sensible, judicious, moderate, and honest man, gave the bill half an hour; and Underwood closed the debate.

At four P.M. the questions began to be taken. Sundry foolish captious amendments were moved, and rejected by tellers. The bill finally was screwed through all opposition; but Wise made a speech of half an hour on a motion to reconsider the amended title — one hundred and twenty-five to ninety-four. The House adjourned about seven.

24th. The House went into committee of the whole on the state of the Union, Horace Everett in the chair. The bill to make an appropriation of four hundred and ninety-seven thousand six hundred and fifty-seven dollars to pay the debts of

the Post-Office Department was taken up, and produced a running fire of four hours against the Postmaster-General, chiefly from John G. Floyd and Samuel S. Bowne, members from the State of New York, and Cave Johnson, of Tennessee; and defences by Chittenden and Morgan, New Yorkers, and Dawson, of Georgia. Reynolds, of Illinois, who came in yesterday, said he should vote against the whole bill, and would not vote a dollar, no, not a cent, to pay the contractors; for they knew when they made the contracts that they must depend upon the funds of the Department for payment; and every tub should stand upon its own bottom. He said, too, that not only the Postmaster-General, but the whole Cabinet, ought to resign. The President ought to give them their walking-papers—the sooner the better. Just after three, on motion for the committee to rise, there was no quorum voting; they rose, therefore, the Chairman reported the fact, and the House adjourned.

Joseph Trumbull told me that the Speaker told him this morning that he had appointed Caleb Cushing Chairman of the Committee of Foreign Relations at the special request of Mr. Webster: it was after the Speaker had asked me if I had any objection to serve on that committee.

25th. Mr. Parmenter presented two petitions, and the Speaker a letter from the Mayor of the city, Seaton, enclosing a copy of the proceedings of a public meeting of the citizens to manifest their indignation at the insult upon the President of the United States by a small and riotous assemblage of worthless persons in the yard before the President's house in the night after his veto upon the Bank bill. The communication was referred to the Committee on the District of Columbia, and ordered to be printed.

The House went immediately into committee of the whole on the state of the Union, Horace Everett in the chair, upon the Post-Office Appropriation bill. A debate of nearly eight hours ensued, in continuation of that of yesterday. Cary, Steenrod, Hopkins, Littlefield, all minims in debate, began the exercises of the day with petty objections to the bill, and with venomous insinuations against the Postmaster-General. But Gordon came out with an hour speech, bitter as gall, declaring

that he would not appropriate a dollar to the service of the Post-Office while Granger should be Postmaster-General. Arnold, of Tennessee, broke out in a counter-blast of an hour against the miserable wretch at the other end of the Avenue, whom he considered as a traitor to the Whig party and to the cause of the country. He spoke so loud and impetuously that his articulation became indistinct, and I could not hear much of what he said. He was called to order by Roosevelt and Winthrop, and was decided by the Chairman, Everett, to be out of order for using expressions disrespectful to the President of the United States.

Arnold appealed, and the Chairman began to put the question whether his decision should be affirmed—when I rose, and said that if the committee were to vote on the appeal, as the call to order was for words spoken, the rule required that the words should be taken down. They were accordingly taken down, and the decision was so manifestly wrong that Arnold, to save the Chairman the mortification of a nearly unanimous reversal, withdrew his appeal—which Ingersoll immediately renewed, but, at Arnold's earnest request, also withdrew.

Stanly followed in a speech of sharp rebuke to Arnold, Botts, and Proffit, who retorted, followed by Dawson, who preached peace where there was no peace, by a swarm of dirty slave-breeders, and the winding staircase of Caleb Cushing. The debate closed for the day by a regular set-to between Tom Marshall, of Kentucky, and Wise, each for one hour—amusing enough. But Marshall was too spirited, and Wise's endless egotism less sprightly than usual. It was little short of six o'clock when Andrews, of Kentucky, moved the committee to rise, and the House adjourned. The Whig party is in the agonies of dissolution, and this day disclosed many symptoms of its approach. We are in the hands of a Being good and wise.

27th. John Campbell, of South Carolina, offered a resolution directing the Clerk of the House, after the close of this session, to have the seats in the hall numbered, and the names of the members drawn by lot, to assign to each member his seat for

one session. Morgan and Hopkins objected. McKay moved to suspend the rules, which, the Speaker said, by a special rule of this session was not in order during the morning hour. In the course of the day Campbell repeated the attempt to introduce the resolution, and Pickens offered as a substitute a direction to the Clerk to have all the desks, except the outer circle, removed, and then the numbers of the seats drawn for the members in alphabetical order. After much chaffering, the resolution was laid on the table. Campbell told me that he would make an exception for me; but the real cause of all this heart-burning about the seats was that, by the good will of Rice Garland, he gave me, when he left the House at the close of the first session of the last Congress, the right to his seat, one of the best—instead of one of the worst, which I had occupied during that session.

The Land bill was returned from the Senate, with many amendments. An attempt was made to take it up for consideration, which was only so far successful as to order the printing of the bill as amended. A joint resolution for the distribution among the States of seven hundred copies of the Digest of Patents was adopted, and an appropriation bill for the outfit and salaries of sundry diplomatic agents was much debated, and finally passed. Ingersoll moved to strike the outfit and salaries out for the missions to Naples and Sardinia. I opposed this motion, but offered a resolution instructing the Committee of Foreign Relations to enquire into the expediency of reducing the expenditures of the Diplomatic Department by diminishing the foreign missions. This was adopted.

28th. At the House this morning the first thing done was a call of the House, pursued till one hundred and seventy members answered to their names, and then superseded. The bill making an appropriation for paving the Pennsylvania Avenue with wood was then rejected, by yeas and nays—sixty-nine to one hundred and three. The bill to amend the Act of 12th June, 1840, to carry into effect the Convention of 11th April, 1839, with Mexico. I believe there is an insidious purpose in this bill; but it passed, after considerable discussion,

and with an amendment, proposed by Everett. Soon after noon the House adjourned, absolutely for want of something to do.

I asked the Speaker what had become of the McLeod resolution. He said it was on the table. But there was a laugh in the House, and some one said it was "in nubibus." After the adjournment, and some casual conversation, I went into the Senate-chamber, where they were debating amendments to the Revenue bill, from the House. Upon a question of exempting sumac from duty there was a sparring of a full half an hour, with sharp personalities, between Henry Clay and John C. Calhoun, about protective duties and free trade. Evening promiscuous party of Whigs of all shades, at Mr. Crittenden the Attorney-General's. Mrs. Crittenden there—sola. Sideboard supper—madeira and champagne.

30th. On looking over yesterday the printed journal of the House for the present session, I found, to my utter astonishment, that my name was recorded among the yeas upon the adoption of the rule, reported by the Committee on the Rules, excluding petitions during the present session. The question was taken on the 12th of June, and the falsification of my vote is on page 120 of the journal. I went to the Capitol this morning at nine, to clear the matter up. I found that the error was in the manuscript journal, and on the list of yeas and nays taken upon the question. But French, who keeps the minutes of the journal, remembered that I had voted against the resolution, and the journal itself showed that I had voted "ay" upon a preceding motion to lay the reported rule on the table, and on a subsequent motion to reconsider the adoption of the rule. There were two other errors on the printed journal of the same vote, setting down the yeas as one hundred and six, while the names, including mine, are but one hundred and five, and the nays sixty, while the names, without mine, were sixty-one. Burch told me that the sheet of the journal should be printed over again, and the mistakes rectified.

Robert C. Winthrop told me in the House that, after I came away from Mr. Crittenden's Saturday evening, a regular depu-

tation was sent over to the President's house to constrain him to join the party, to which he had been invited but had sent an excuse. On this deputation were Dawson and Triplett. They went over, roused him, if not from bed, after the house had been closed for the night, obtained access to him, took him by storm after the Kentucky fashion, led him over to Crittenden's in triumph, where Clay received him at the door with, "Well, Mr. President, what are you for, Kentucky whisky or champagne?" He chose champagne, and entered into the spirit of this frolicsome agony as if it was congenial to his own temper. But all this was as false and hollow as it was blustering and rowdyish.

At the House I attempted to call up the McLeod resolution, but Barnard, who had the floor upon it, was at first not there, and when, afterwards, he came in, the morning hour was out. I called up my resolutions offered on the 23d of June, concerning investments in State stocks; but the Speaker said it was petition day. He therefore called the States over for petitions; but there were none to present. The amendments of the Senate to the Land Proceeds Distribution bill were reported back by Morrow from the Committee on the Public Lands, and John C. Clark instantly moved the previous question. Most of them were adopted. The amendments to the Fortification bill succeeded. The House adjourned, without closing that debate, at half-past three.

31st. At the House, the journal reported Hopkins's moral lecture against the practice of pairing off, on which he called the yeas and nays, which refused to excuse Botts and John W. Jones for absence, because they had paired off.

Goggin objected to that part of the journal, and the Speaker said it should be rectified.

Linn Banks presented resolutions of a meeting of slave-breeders in Orange County, Virginia, against all the measures of this session, and made a speech upon them through long-continued, vociferous calls to order. His seat is contested; his resolutions were laid on the table, but not ordered to be printed. Everett threatened to read a speech on the subject at some future day.

Mr. Barnard made an excellent hour speech on Floyd's McLeod resolution.

The Senate's amendments to the Fortification bill then produced a long debate, after which Fillmore moved to change the daily hour of adjournment to twelve o'clock. The House having nothing to do, Stanly moved to adjourn over to Thursday; then a hubbub, and adjournment about two P.M. I went into the Senate-chamber and heard the debate there.

END OF VOL. X.

NOV 9 - 1933